

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

House Bill 3005

BY DELEGATES FAST, HANSHAW, OVERINGTON,

KESSINGER, GEARHEART AND ARVON

[Introduced March 14, 2017; Referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §61-14-1 and §61-14-2, all relating to regulation of unmanned aircraft systems;
3 defining terms; creating misdemeanor criminal offense for certain conduct using an
4 unmanned aircraft system and setting penalties therefor; creating felony criminal offense
5 for operating an unmanned aircraft system equipped with a lethal weapon, creating
6 exceptions, and setting penalties therefor; creating felony criminal offense for operating
7 an unmanned aircraft system with the intent to cause damage or disrupt in any way the
8 flight of a manned aircraft and setting penalties therefor; and creating an exception for
9 operating an unmanned aircraft system for commercial purposes that is authorized by the
10 Federal Aviation Administration in a manner that is consistent with federal law and the
11 provisions of this article.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. USE OF UNMANNED AIRCRAFT SYSTEMS.

§61-14-1. Definitions.

1 As used in this article:
2 (1) "Aircraft" means any contrivance now known or subsequently invented, used or
3 designed for navigation or for flight in the air, including, but not limited to, unmanned aircraft
4 vehicles or systems;
5 (2) "Unmanned aircraft system" or "system" means an aircraft that is operated without
6 direct human intervention from inside or on the aircraft and includes the crewmember, the
7 associated support equipment, the control station, data links, telemetry, communications and
8 navigation equipment necessary to operate the unmanned aircraft, including, but not limited to,
9 drones;
10 (3) "Unmanned aircraft system operator" or "operator" means a person exercising control
11 over an unmanned aircraft system during flight.

§ 61-14-2. Prohibited use of an unmanned aircraft system; criminal penalties.

1 (a) Except as authorized by the provisions of this article, a person may not operate an
2 unmanned aircraft system:

3 (1) To knowingly and intentionally capture or take photographs, images, video, or audio of
4 another person or the private property of another without the other person's permission in a
5 manner that would invade the individual's reasonable expectation of privacy, including, but not
6 limited to, capturing, or recording through a window;

7 (2) To knowingly and intentionally view, follow, or contact another person or the private
8 property of another without the other person's permission in a manner that would invade the
9 individual's reasonable expectation of privacy, including, but not limited to, viewing, following, or
10 contacting through a window;

11 (3) To knowingly and intentionally harass another person;

12 (4) Within a distance that would violate a restraining order or other judicial order;

13 (5) In a manner with a willful wanton disregard for the safety of persons or property; or

14 (6) To knowingly and intentionally operate an unmanned aircraft system in a manner that
15 interferes with the official duties of law enforcement personnel or emergency medical personnel.

16 (b) Any person violating the provisions of subsection (a) of this section is guilty of a
17 misdemeanor and, upon conviction thereof, shall be confined in jail for not more than one year,
18 fined not less than \$100 nor more than \$1,000, or both fined and confined.

19 (c) Any person who equips an unmanned aircraft system with any deadly weapon or
20 operates any unmanned aircraft system equipped with any deadly weapon, other than for military
21 or law enforcement purposes in their official capacity, is guilty of a felony and, upon conviction
22 thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five
23 years, fined not less than \$1,000 nor more than \$5,000, or both fined and imprisoned.

24 (d) Any person who operates an unmanned aircraft system with the intent to cause
25 damage to or disrupt in any way the flight of a manned aircraft is guilty of a felony and, upon

26 conviction thereof, shall be imprisoned for not less than one nor more than five years, fined not
27 less than \$1,000 nor more than \$5,000, or both fined and imprisoned.

28 (e) A person that is authorized by the Federal Aviation Administration to operate
29 unmanned aircraft systems for commercial purposes may operate an unmanned aircraft system
30 in this state if the unmanned aircraft system is operated in a manner consistent with federal law
31 and the provisions of this article.

NOTE: The purpose of this bill is to regulate the use and operation of unmanned aircraft systems. The bill additionally prohibits the use of a lethal weapon on an unmanned aircraft system and prohibits the interference with the flight of a manned aircraft and provides criminal penalties for violations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.