

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 3005

**FISCAL
NOTE**

BY DELEGATES FAST, HANSHAW, OVERINGTON,

KESSINGER AND GEARHEART

[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 and setting
 6 penalties therefor; and creating felony criminal offense for operating an unmanned aircraft
 7 system with the intent to cause damage or disrupt in any way the flight of a manned aircraft
 8 and setting penalties therefor.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 article, designated §61-14-1 and §61-14-2, all to read as follows:

ARTICLE 14. USE OF UNMANNED AIRCRAFT SYSTEMS.

§61-14-1. Definitions.

3 As used in this article:

4 (1) "Aircraft" means any contrivance now known or subsequently invented, used or
 5 designed for navigation or for flight in the air, including, but not limited to, unmanned aircraft
 6 vehicles or systems;

7 (2) "Unmanned aircraft system" or "system" means an aircraft that is operated without
 8 direct human intervention from inside or on the aircraft and includes the crewmember, the
 9 associated support equipment, the control station, data links, telemetry, communications and
 10 navigation equipment necessary to operate the unmanned aircraft;

11 (3) "Unmanned aircraft system pilot" or "pilot" means a person exercising control over an
 12 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 view or take photographs or other types of images of another person or the private
4 property of another without the other person's permission where the person being photographed
5 or whose image is being captured or whose personal private property is being photographed or
6 viewed has a reasonable expectation of privacy, including, but not limited to, viewing or
7 photographing through a window;

8 (2) To physically harass another person; or

9 (3) In a manner with a willful wanton disregard for the safety of persons or property.

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

13 (c) Any person who equips an unmanned aircraft system with any lethal weapon or
14 operates any unmanned aircraft system equipped with any lethal weapon is guilty of a felony and,
15 upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one
16 nor more than five years, fined not less than \$1,000 nor more than \$5,000, or both fined and
17 imprisoned.

18 (d) Any person who pilots an unmanned aircraft system with the intent to cause damage
19 to or disrupt in any way the flight of a manned aircraft is guilty of a felony and, upon conviction
20 thereof, shall be imprisoned for not less than one nor more than five years, fined not less than
21 \$1,000 nor more than \$5,000, or both fined and imprisoned.

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.