

Amendment No. 362

Assembly Amendment to Assembly Bill No. 239	(BDR 44-8)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JMM/MSN



Date: 4/19/2015

A.B. No. 239—Regulates operators of unmanned aerial vehicles in this State.
(BDR 44-8)



ASSEMBLY BILL NO. 239—ASSEMBLYMEN ELLIOT ANDERSON, OHRENSCHALL, HANSEN, SPIEGEL, WHEELER; ARAUJO, BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARRILLO, DIAZ, FLORES, JOINER, NEAL AND SPRINKLE

MARCH 9, 2015

JOINT SPONSOR: SENATOR MANENDO

Referred to Committee on Judiciary

SUMMARY—Regulates operators of unmanned aerial vehicles in this State. (BDR 44-8)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to ~~aeronautics;~~ aircraft; regulating operators of unmanned aerial vehicles in this State; revising the definition of “aircraft” to include unmanned aerial vehicles; prohibiting the operation or use of an unmanned aerial vehicle under certain circumstances or for certain purposes; authorizing a law enforcement agency to operate an unmanned aerial vehicle at certain locations without a warrant under certain circumstances and for any other lawful purpose; prohibiting a law enforcement agency from operating an unmanned aerial vehicle without first obtaining a warrant under certain circumstances; authorizing a public agency to operate an unmanned aerial vehicle only under certain circumstances; requiring the Department of Public Safety , to the extent that money is available, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State; requiring the Department to report certain information to the Legislature with respect to the operation of unmanned aerial vehicles by public agencies in this State; requiring the Department to adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle in this State; providing certain criminal and civil penalties for the unlawful operation or use of an unmanned aerial vehicle in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of aeronautics, including the operation of aircraft, in this State. (Title 44 of NRS) This bill revises the definition of "aircraft" to include unmanned aerial vehicles for the purpose of regulating unmanned aerial vehicles. This bill generally regulates the operators of unmanned aerial vehicles in this State in a manner similar to that of traditional aircraft by: (1) establishing the right to operate an unmanned aerial vehicle in this State, with certain exceptions; (2) clarifying that the provisions of this bill are not to be interpreted in a manner inconsistent with federal law or apply to unmanned aerial vehicles owned or operated by the Federal Government; (3) clarifying the applicability of state law to torts and crimes resulting from the operation of unmanned aerial vehicles; and (4) prohibiting a person from operating or using an unmanned aerial vehicle under certain circumstances or for certain purposes. ~~(1) (2) prescribing~~

Section 18 of this bill prohibits a person from weaponizing an unmanned aerial vehicle. Section 18.5 of this bill prohibits a person from operating an unmanned aerial vehicle within a certain distance from critical facilities or a public airport except under certain circumstances in which the person obtains the consent of the owner of a critical facility or the airport authority of a public airport or authorization from the Federal Aviation Administration. Section 19 of this bill authorizes a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances and provides an exception to bringing such an action against an operator lawfully operating an unmanned aerial vehicle within the scope of a business or for the purposes of surveying land. Sections 20-22 of this bill prescribe certain restrictions on the operation and use of unmanned aerial vehicles by law enforcement agencies and public agencies. ~~(1) and (2) creating criminal and civil penalties for the unlawful operation and use of an unmanned aerial vehicle in this State. Section 9 of this bill clarifies that the provisions of this bill are not to be interpreted to conflict with federal law or apply to unmanned aerial vehicles or aircraft owned or operated by the Armed Forces of the United States or a reserve component thereof, the National Guard or a department or agency of the Federal Government. Section 10 of this bill establishes the right to operate an unmanned aerial vehicle in this State, with certain exceptions. Sections 11 and 12 of this bill clarify the applicability of state law to torts and crimes resulting from the operation of an unmanned aerial vehicle in this State. Section 13 of this bill holds an owner and lessee of an unmanned aerial vehicle strictly liable for certain injuries caused by the operation of the unmanned aerial vehicle. Sections 14-18 of this bill prohibit a person from operating or using an unmanned aerial vehicle under certain circumstances or for certain purposes and create criminal penalties for the unlawful operation or use of an unmanned aerial vehicle. Section 14 prohibits a person from interfering with the use of the property or landing on the property of another person. Section 15 prohibits a person from negligently operating an unmanned aerial vehicle over a heavily populated area or public gathering. Section 16 prohibits a person from operating an unmanned aerial vehicle carelessly, recklessly or while intoxicated. Section 17 prohibits a person from operating an unmanned aerial vehicle for the purpose of observing another person or capturing or disseminating photographs, images or recordings of another person without the person's consent or under circumstances in which the person has a reasonable expectation of privacy. Section 18 prohibits a person from weaponizing or operating a weaponized unmanned aerial vehicle. Section 19 of this bill authorizes a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances. Section 20 of this bill provides that, with limited exceptions, a law enforcement agency may operate an unmanned aerial vehicle in this State for any lawful purpose. Section 20 specifically prohibits, with limited exceptions, a law enforcement agency from operating an unmanned aerial vehicle for the purpose of gathering evidence or other information at any location or upon any property in this State at which a person has a reasonable expectation of privacy without first obtaining a warrant. **Section 20** authorizes a law enforcement agency to operate an unmanned aerial vehicle without a warrant: (1) if exigent circumstances exist and there is probable cause to believe that a person has committed, is committing or is about to commit a crime; (2) if a person consents in writing to the activity; (3) for the purpose of conducting search and rescue operations; (4) if the law enforcement agency believes that an imminent threat exists to the life and safety of an~~

individual person or to the public at large, including the threat of an act of terrorism; and (5) upon the declaration of a state of emergency or disaster by the Governor. ~~Section 21 of this bill~~ authorizes a public agency, other than a law enforcement agency, to operate an unmanned aerial vehicle for certain public purposes as prescribed by regulations adopted by the Department of Public Safety if the public agency registers the unmanned aerial vehicle with the Department. Sections 20 and 21 provide that any photograph, image, recording or other information acquired unlawfully by a law enforcement agency or public agency, or otherwise acquired in a manner inconsistent with section 20, and any evidence that is derived therefrom, is inadmissible in any judicial, administrative or other adjudicatory proceeding and may not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense. Section 22 ~~of this bill~~ requires the Department , to the extent that money is available for this purpose, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State and requires the Department to adopt regulations prescribing the public purposes for which an agency may operate an unmanned aerial vehicle. Section 22 further requires the Department to prepare and submit an annual report to the Legislature outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State. Section 24.4 of this bill revises provisions relating to the liability of the operator of an aircraft, including an unmanned aerial vehicle, with respect to the operation of the aircraft over heavily populated areas or public gatherings. Section 24.8 of this bill prohibits a person from operating an unmanned aerial vehicle while intoxicated or in a careless or reckless manner so as to endanger the life or property of another person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Title 44]~~ Chapter 493 of NRS is hereby amended by adding thereto ~~[a new chapter to consist of]~~ the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ~~[As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 3. ~~["Aircraft" has the meaning ascribed to it in subsection 1 of NRS 493.020.] (Deleted by amendment.)~~

Sec. 4. ~~["Department" means the Department of Public Safety.] (Deleted by amendment.)~~

Sec. 5. ~~["Law enforcement agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State, the primary duty of which is to enforce the law.] (Deleted by amendment.)~~

Sec. 6. ~~["Operator" means a person who operates an unmanned aerial vehicle.] (Deleted by amendment.)~~

Sec. 7. ~~["Public agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State other than a law enforcement agency.] (Deleted by amendment.)~~

Sec. 8. ~~1. "Unmanned aerial vehicle" means a powered aerial vehicle that:~~

~~(a) Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aerial vehicle;~~

~~(b) Uses aerodynamic forces to provide vehicle lift;~~

~~(c) Can fly autonomously or be piloted remotely; and~~

~~(d) Can be expendable or recoverable.~~

~~2. The term does not include:~~

~~(a) An aircraft or~~

~~(b) A model aircraft, as that term is defined in section 336 of the F.A.A Modernization and Reform Act of 2012, Public Law 112-95, as that section existed on October 1, 2015.] (Deleted by amendment.)~~

~~Sec. 9. [The provisions of this chapter~~

~~1. Must be interpreted and construed to effectuate their general purpose and to harmonize such provisions with federal law.~~

~~2. Do not apply to and must not be interpreted or construed to apply to any unmanned aerial vehicle or aircraft owned or operated by the Armed Forces of the United States or a reserve component thereof, the National Guard or a department or agency of the Federal Government.] (Deleted by amendment.)~~

~~Sec. 10. [Except as otherwise provided in this chapter, the operation of an unmanned aerial vehicle over the lands and waters of this State is lawful.] (Deleted by amendment.)~~

~~Sec. 11. [All crimes, torts and other wrongs resulting from the operation of an unmanned aerial vehicle while the unmanned aerial vehicle is in flight over this State are governed by the laws of this State. The question as to whether damage occasioned by an unmanned aerial vehicle in flight over this State constitutes a tort, crime or other wrong by the owner of the unmanned aerial vehicle must be determined by the laws of this State.] (Deleted by amendment.)~~

~~Sec. 12. [The liability of the owner of an unmanned aerial vehicle to the owner of another unmanned aerial vehicle or the owner of an aircraft, or to the operator of another unmanned aerial vehicle or the operator of an aircraft, or to passengers in an aircraft, for damage caused by a collision on land or in the air, must be determined by the rules of law applicable to torts on land.] (Deleted by amendment.)~~

~~Sec. 13. [1. The owner of an unmanned aerial vehicle that is operated over the lands or waters of this State is presumed liable for injuries to persons or property on the land or water beneath caused by the~~

~~(a) Ascent, descent, landing or flight of the unmanned aerial vehicles or~~

~~(b) Dropping or falling of any object therefrom, unless the injury is caused in whole or in part by the negligence of the person injured, or of the owner or bailee of the property injured.~~

~~2. If an unmanned aerial vehicle is leased at the time of the injury to person or property, both the owner and the lessee are presumed to be liable and they may be sued jointly, or either or both of them may be sued separately.~~

~~3. The presumption of liability of the owner, or of the owner and the lessee, may be rebutted by proof that the injury was not caused by the negligence of the owner or the lessee, or of any person operating the unmanned aerial vehicle with the permission of the owner, lessee or any person maintaining or repairing the unmanned aerial vehicle with the permission of the owner or the lessee.~~

~~4. An operator of an unmanned aerial vehicle who is not the owner or lessee is liable only for the consequences of his or her own negligence.~~

~~5. An injured person, or the owner or bailee of the injured property, has a lien against the unmanned aerial vehicle causing the injury to the extent of the damage caused by the unmanned aerial vehicle or objects falling from the unmanned aerial vehicle.~~

~~6. A chattel mortgagee, conditional vendor or trustee under an equipment trust of any unmanned aerial vehicle who is not in possession of the unmanned aerial vehicle shall not be deemed to be an owner for the purposes of this section.] (Deleted by amendment.)~~

~~Sec. 14. [1. A person shall not:~~

~~(a) Operate an unmanned aerial vehicle over the lands and waters of this State.~~

~~(1) At such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owners; or~~

~~(2) In a manner that is imminently dangerous to persons or property lawfully on the land or water beneath.~~

~~(b) Land an unmanned aerial vehicle on the lands or waters of another person without his or her consent, except in the case of a forced landing.~~

~~(c) Operate an unmanned aerial vehicle within 5 miles of a public airport without the consent of the airport authority or the operator of the public airport.~~

~~2. A person who violates any provision of subsection 1 is guilty of a misdemeanor.~~ (Deleted by amendment.)

~~Sec. 15. [1. A person shall not, while operating an unmanned aerial vehicle over a heavily populated area or over a public gathering within this State:~~

~~(a) Engage the unmanned aerial vehicle in trick or aerobatic flying, or in any aerobatic feat;~~

~~(b) Except while landing or taking off, fly the unmanned aerial vehicle at such a low level as to endanger the persons on the surface beneath; or~~

~~(c) Drop any object from the unmanned aerial vehicle.~~

~~2. A person who violates any provision of subsection 1 is guilty of a misdemeanor.~~ (Deleted by amendment.)

~~Sec. 16. [1. A person shall not operate an unmanned aerial vehicle:~~

~~(a) While under the influence of intoxicating liquor or a controlled substance, unless in accordance with a lawfully issued prescription; or~~

~~(b) In a careless or reckless manner so as to endanger the life or property of another.~~

~~2. A person who violates any provision of subsection 1 is guilty of a gross misdemeanor.~~

~~3. As used in this section:~~

~~(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6);~~

~~(b) "Prescription" has the meaning ascribed to it in NRS 453.128.]~~ (Deleted by amendment.)

~~Sec. 17. [1. Except for a law enforcement agency operating an unmanned aerial vehicle in accordance with section 20 of this act, a person shall not knowingly and intentionally operate an unmanned aerial vehicle for the purpose of observing another person or capturing a photograph, image or other recording of another person:~~

~~(a) Without the consent of the other person; or~~

~~(b) Under circumstances in which the other person has a reasonable expectation of privacy.~~

~~2. Except as otherwise provided in this section, a person shall not distribute, disclose, display, transmit or publish a photograph, image or recording that the person knows or has reason to know was captured in violation of subsection 1.~~

~~3. A person who violates any provision of this section:~~

~~(a) For a first offense, is guilty of a gross misdemeanor.~~

~~(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~4. If a person is charged with a violation of this section, any photograph, image or recording of the victim that is contained within:~~

~~(a) Court records;~~

~~(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;~~

~~(c) Records of criminal history, as that term is defined in NRS 179A.070; and~~

~~(d) Records in the Central Repository for Nevada Records of Criminal History;~~

~~is confidential and, except as otherwise provided in this section, must not be inspected by or released to the general public.~~

~~5. A photograph, image or recording that is confidential pursuant to subsection 4 may be inspected or released:~~

~~(a) As necessary for the purposes of investigation and prosecution of the violation by a law enforcement agency;~~

~~(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and~~

~~(c) Upon authorization by a court of competent jurisdiction as provided in subsection 6.~~

~~6. A court of competent jurisdiction may authorize the inspection or release of a photograph, image or recording that is confidential pursuant to subsection 4, upon application, if the court determines that:~~

~~(a) The person making the application has demonstrated that good cause exists for the inspection or release; and~~

~~(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim. (Deleted by amendment.)~~

Sec. 18. 1. A person shall not weaponize an unmanned aerial vehicle or operate a weaponized unmanned aerial vehicle. A person who violates this section is guilty of a category ~~B~~ D felony and shall be punished as provided in NRS 193.130.

2. A person who weaponizes an unmanned aerial vehicle in violation of subsection 1 and who discharges the weapon is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 18.5. 1. A person shall not operate an unmanned aerial vehicle within:

(a) A horizontal distance of 500 feet or a vertical distance of 250 feet from a critical facility without the written consent of the owner of the critical facility.

(b) Except as otherwise provided in subsection 2, 5 miles of a public airport.

2. A person may operate an unmanned aerial vehicle within 5 miles of a public airport only if the person obtains the consent of the airport authority or the operator of the public airport, or if the person has otherwise obtained a waiver, exemption or other authorization for such operation pursuant to any rule or regulation of the Federal Aviation Administration. A person who is authorized to operate an unmanned aerial vehicle within 5 miles of an airport pursuant to this subsection shall, at all times during such operation, maintain on his or her person documentation of any waiver, exemption, authorization or consent permitting such operation.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, "public airport" means any publicly owned airport that boards not fewer than 2,500 passengers per calendar year and that has a scheduled passenger service.

Sec. 19. 1. Except as otherwise provided in subsection 2, a person who owns or lawfully occupies real property in this State may bring an action for trespass against the owner or operator of an unmanned aerial vehicle that is flown at a height of less than ~~1400~~ 250 feet over the property if:

1 (a) The owner or operator of the unmanned aerial vehicle has flown the
2 unmanned aerial vehicle over the property at a height of less than ~~1400~~ 250 feet
3 on at least one previous occasion; and

4 (b) The person who owns or occupies the real property notified the owner or
5 operator of the unmanned aerial vehicle that the person did not authorize the
6 flight of the unmanned aerial vehicle over the property at a height of less than
7 ~~1400~~ 250 feet. For the purposes of this paragraph, a person may place the owner
8 or operator of an unmanned aerial vehicle on notice in the manner prescribed in
9 subsection 2 of NRS 207.200.

10 2. A person may not bring an action pursuant to subsection 1 if:

11 (a) The unmanned aerial vehicle is lawfully in the flight path for landing at
12 an airport, airfield or runway.

13 (b) The unmanned aerial vehicle is in the process of taking off or landing.

14 (c) The unmanned aerial vehicle was under the lawful operation of a law
15 enforcement agency in accordance with section 20 of this act.

16 (d) The unmanned aerial vehicle was under the lawful operation of a
17 business licensed in this State or a land surveyor if:

18 (1) The operator is licensed or otherwise approved to operate the
19 unmanned aerial vehicle by the Federal Aviation Administration;

20 (2) The unmanned aerial vehicle is being operated within the scope of
21 the lawful activities of the business or surveyor; and

22 (3) The operation of the unmanned aerial vehicle does not unreasonably
23 interfere with the existing use of the real property.

24 3. A plaintiff who prevails in an action for trespass brought pursuant to
25 subsection 1 is entitled to recover treble damages for any injury to the person or
26 the real property as the result of the trespass. In addition to the recovery of
27 damages pursuant to this subsection, a plaintiff may be awarded reasonable
28 attorney's fees and costs and injunctive relief.

29 Sec. 20. 1. Except as otherwise provided in this section, nothing in this
30 section shall be deemed to otherwise prohibit the operation of an unmanned
31 aerial vehicle by a law enforcement agency for any lawful purpose in this State.

32 2. Except as otherwise provided in subsection 3, a law enforcement agency
33 shall not operate an unmanned aerial vehicle for the purpose of gathering
34 evidence or other information within the curtilage of a residence or at any other
35 location or upon any property in this State at which a person has a reasonable
36 expectation of privacy, unless the law enforcement agency first obtains a warrant
37 from a court of competent jurisdiction authorizing the use of the unmanned
38 aerial vehicle for that purpose. A warrant authorizing the use of an unmanned
39 aerial vehicle must specify the period for which operation of the unmanned aerial
40 vehicle is authorized. A warrant must not authorize the use of an unmanned
41 aerial vehicle for a period of more than ~~130~~ 10 days. Upon motion and ~~if for good~~
42 a showing of probable cause, ~~is shown~~ a court may renew a warrant after the
43 expiration of the period for which the warrant was initially issued.

44 3. A law enforcement agency may operate an unmanned aerial vehicle
45 without obtaining a warrant issued pursuant to subsection 2:

46 (a) If the law enforcement agency has probable cause to believe that a person
47 has committed a crime, is committing a crime or is about to commit a crime, and
48 exigent circumstances exist that make it unreasonable for the law enforcement
49 agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

50 (b) If a person provides written consent to the law enforcement agency
51 authorizing the law enforcement agency to acquire information about the person
52 or the real or personal property of the person. The written consent must specify

the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.

(c) For the purpose of conducting search and rescue operations for persons and property in distress.

(d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than ~~48 hours~~ 2 business days after initiating operation, file a sworn statement with a court of competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.

(e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom:

(a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 21. 1. A public agency:

(a) May operate an unmanned aerial vehicle only if:

(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of section 22 of this act.

(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of section 22 of this act.

(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:

(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 22. 1. The Department shall ,to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

- (a) The name of the public agency;
- (b) The name and contact information of each operator of the unmanned aerial vehicle;
- (c) Sufficient information to identify the unmanned aerial vehicle; and
- (d) A statement describing the ~~specific~~ use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section ~~++~~, including, without limitation:

- (a) The provision of fire services.
- (b) The provision of emergency medical services.
- (c) The protection of a critical facility that is public property.
- (d) Search and rescue operations conducted for persons and property in distress.

Sec. 22.5. NRS 493.010 is hereby amended to read as follows:

493.010 NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act may be cited as the Uniform State Law for Aeronautics.

Sec. 23. NRS 493.020 is hereby amended to read as follows:

493.020 As used in NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act, unless the context otherwise requires:

1. "Aircraft" includes a balloon, airplane, hydroplane, unmanned aerial vehicle and any other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, is governed by the rules regarding water navigation. A hydroplane while being operated through the air other than immediately above water, is an aircraft. ~~++The term does not include an unmanned aerial vehicle.++~~

2. "Critical facility" means a petroleum refinery, a petroleum or chemical production, transportation, storage or processing facility, a chemical manufacturing facility, a pipeline and any appurtenance thereto, a water treatment facility, a mine as that term is defined in subsection 5 of NRS 512.006, a power generating station, plant or substation and any appurtenances thereto, any transmission line that is owned in whole or in part by an electric utility as that term is defined in subsection 5 of NRS 704.187 and any prison, facility or institution under the control of the Department of Corrections.

3. "Department" means the Department of Public Safety.

4. "Law enforcement agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

5. "Operator" includes aviator, pilot, balloonist and any other person having any part in the operation of aircraft while in flight.

~~++~~ 6. "Passenger" includes any person riding in an aircraft, but having no part in its operation.

~~++ 4. "Unmanned aerial vehicle" has the meaning ascribed to it in section 8 of this act.++~~

7. *“Public agency” means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State other than a law enforcement agency.*

8. *“Unmanned aerial vehicle” means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.*

Sec. 24. ~~NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.2355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.234, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0428, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.251, 332.333, 332.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.525, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.730, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 524A.031, 561.285, 571.160, 584.582, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.110, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.125, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,~~

~~671.170, 672.420, 675.380, 676A.240, 676A.270, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 682A.0872, 685A.077, 686A.280, 686B.170, 686C.206, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.220, 704B.225, 706.1725, 710.159, 711.600, and section 17 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 291, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.020, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself. (Deleted by amendment.)~~

Sec. 24.2. NRS 493.050 is hereby amended to read as follows:

493.050 1. Flight ~~in~~ of an aircraft over the lands and waters of this state is lawful:

(a) Unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner.

(b) Unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.

(c) Unless specifically prohibited by the provisions of NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act, or any regulations adopted pursuant thereto.

2. The landing of an aircraft on the lands or waters of another, without his or her consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, the owner, lessee or operator of the aircraft is liable as provided in NRS 493.060.

Sec. 24.4. NRS 493.100 is hereby amended to read as follows:

493.100 1. Any operator or passenger, while an aircraft is in flight over a heavily populated area or over a public gathering within this state, who:

~~(1. Engaged)~~

1 (a) Except as otherwise provided in subsection 2, engages in trick or acrobatic
2 flying, or in any acrobatic feat;

3 ~~1-2~~ (b) Except while in landing or taking off, flies at such a low level as to
4 endanger the persons on the surface beneath; or

5 ~~1-2~~ (c) Drops any object ~~[except loose water or loose sand ballast]~~ with
6 reckless disregard for the safety of other persons and willful indifference to
7 injuries that could reasonably result from dropping the object.

8 ➤ is guilty of a misdemeanor.

9 2. The provisions of paragraph (a) of subsection 1 do not apply to the
10 operator of an unmanned aerial vehicle in a park unless the operator is operating
11 the unmanned aerial vehicle with reckless disregard for the safety of other
12 persons and with willful indifference to injuries that could reasonably result from
13 such operation.

14 Sec. 24.6. NRS 493.120 is hereby amended to read as follows:

15 493.120 NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive,
16 of this act shall be so interpreted and construed as to effectuate their general
17 purpose to make uniform the law of those states which enact them, and to
18 harmonize, as far as possible, with federal laws and regulations on the subject of
19 aeronautics. They shall not be interpreted or construed to apply in any manner to
20 aircraft owned and operated by the Federal Government.

21 Sec. 24.8. NRS 493.130 is hereby amended to read as follows:

22 493.130 1. Any person operating an aircraft in the air, or on the ground or
23 water:

24 ~~1-1~~ (a) While under the influence of intoxicating liquor or a controlled
25 substance, unless in accordance with a lawfully issued prescription; or

26 ~~1-2~~ (b) In a careless or reckless manner so as to endanger the life or property
27 of another,

28 ➤ is guilty of a gross misdemeanor.

29 2. As used in this section:

30 (a) "Aircraft" includes an unmanned aerial vehicle as that term is defined in
31 subsection 8 of NRS 493.020.

32 (b) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. §
33 802(6).

34 (c) "Prescription" has the meaning ascribed to it in NRS 453.128.

35 Sec. 25. The provisions of subsection 1 of NRS 218D.380 do not apply to
36 any provision of this act which adds or revises a requirement to submit a report to
37 the Legislature.

38 Sec. 26. This act becomes effective:

39 1. Upon passage and approval for the purpose of adopting regulations and
40 performing any other preparatory administrative tasks necessary to carry out the
41 provisions of this act; and

42 2. On October 1, 2015, for all other purposes.