

HOUSE No. 3139

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to unmanned aerial systems.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>1/11/2019</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/16/2019</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/14/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/1/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/11/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/23/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/23/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/16/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/11/2019</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>1/14/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/24/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/14/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/14/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/14/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/14/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/14/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/14/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/18/2019</i>

<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/16/2019</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/24/2019</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>1/15/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/18/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/25/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/31/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/31/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/1/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>2/1/2019</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>2/1/2019</i>

HOUSE No. 3139

By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 3139) of William M. Straus and others relative to drones and other unmanned aerial systems. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to unmanned aerial systems.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 90 of the General Laws, as appearing in the 2016 official edition, is
2 hereby amended by adding the following section:-

3 “Section 63(a). As used in this section the following terms shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Operate”, to pilot, fly, control, direct, or program the flight of an unmanned aircraft
6 system.

7 “Unmanned Aircraft System” or “UAS”, an unmanned aerial vehicle and associated
8 elements and support equipment required for the safe and efficient operation of the UAV,
9 including but not limited to, communications links and components that control the UAV.

10 “Unmanned Aerial Vehicle”, “UAV”, or “drone”, a powered aerial vehicle that:

11 (a) Does not carry a human operator and is operated without the possibility of direct
12 human intervention from within or on the aircraft;

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

14 (c) Can fly autonomously or be piloted remotely;

15 (d) Can be expendable or recoverable; and

16 (e) Weighs more than 0.55lbs. and less than 55lbs.

17 (b) No municipality shall enact or enforce any ordinance regulating the operation of
18 UAVs and UASs except as otherwise authorized by regulation or guideline promulgated by the
19 Federal Aviation Administration or the laws of this commonwealth.

20 (c) (1) No person shall equip or operate a UAS or UAV armed with a weapon capable of
21 causing serious bodily injury or death or is otherwise capable of firing or releasing a projectile
22 designed to cause serious bodily injury or death. Persons convicted of unauthorized operation of
23 a UAS or UAV under this paragraph shall be punished by a fine of not more than two-thousand
24 dollars or by imprisonment in a house of correction for not more than one year or both.

25 (2) No person shall operate a UAS or UAV in a manner so as to interfere with or disrupt
26 the flight of manned aircraft, or otherwise impede the normal course of operations of any
27 international, regional, municipal, or general aviation airport. Persons convicted of unauthorized
28 operation of a UAS or UAV under this paragraph shall be punished by a fine of not more than
29 one-thousand five-hundred dollars or by imprisonment in a house of correction for not more than
30 one year or both. Unauthorized operation of a UAS or UAV under this paragraph which results
31 in damage to a manned aircraft in flight or causes said aircraft to crash shall be punished by a

32 fine of not more than ten-thousand dollars or by imprisonment in a house of correction for not
33 more than two and one-half years or both.

34 (3) No person shall knowingly or intentionally operate a UAS or UAV so as to interfere
35 with or impede first responders or law enforcement actively responding to an emergency.

36 Persons convicted of unauthorized operation of a UAS or UAV under this paragraph shall be
37 punished by a fine of not more than one-thousand dollars, or by imprisonment in a house of
38 correction for not more than six months, or both.

39 (d) No person shall operate a UAS or UAV for the purpose of conducting surveillance or
40 observation of an individual, their private real property, or dwelling inclusive of the curtilage
41 without said individual's consent. Improper use of a UAS or UAV under this paragraph shall be
42 deemed a violation of section 1B of chapter 214 of the General Laws. Notwithstanding the
43 provisions of this subsection, use of UASs or UAVs by law enforcement for observational or
44 surveillance purposes is permitted:

45 (i) if the law enforcement agency first obtains a search warrant authorizing the use of a
46 UAS or UAV;

47 (ii) to counter the risk of a terrorist incident if the United States Secretary for Homeland
48 Security or the Secretary of the Executive Office of Public Safety and Security determines
49 credible intelligence exists indicating the risk of a terrorist incident; or

50 (iii) if the law enforcement agency possesses reasonable suspicion under the
51 circumstances that use of a UAS or UAV is necessary to prevent imminent danger to life, to
52 conduct a pursuit of an escapee or suspect, or to facilitate a search for a missing person.

53 (e)(1) Notwithstanding any general or special law or regulation to the contrary, a law
54 enforcement agency in possession of images, footage, data, or recordings captured from the use
55 of a UAS or UAV shall permanently erase or destroy or cause to be destroyed all images,
56 footage, data, or recordings captured from a UAS or UAV not later than 120 days following the
57 date on which the images, footage, data, or recordings were captured.

58 (2) The law enforcement agency may retain said UAS or UAV images, footage, data, or
59 recordings beyond 120 days if such information contains evidence of a crime or is relevant to an
60 ongoing investigation or judicial proceeding.

61 (f) If any part of this section is for any reason held to be unconstitutional, preempted, or
62 invalid, such decision shall not affect the remainder of this section.