

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H.711 Name of Bill: Aeronautics; unmanned aircraft

Agency/Dept: DPS/VSP Author of Bill Captain Tim Clouatre
Review: _____

Date of Bill Review: 1/28/16 Related Bills and Key Players: Rep. Clarkson, Toll and Masland

Status of Bill: (check one)

X Upon Introduction _____ As passed by 1st body _____ As passed by both bodies

Recommended Position:

_____ Support _____ Oppose _____ Remain Neutral XXX Support with modifications identified in # 8 below

Analysis of Bill

1. Summary of bill and issue it addresses. This bill proposes to prohibit a person from flying an unmanned aircraft for hobby or recreational purposes at an altitude of less than 100 feet above privately owned real property without written consent of the property owner. The bill also requires persons engaged in the business of selling unmanned aircraft to notify purchasers about the 100 foot minimum altitude requirement.
2. Is there a need for this bill? Yes, there are regulations that need to be in place for the flying of unmanned aircraft over private property for privacy concerns as well as public safety concerns. This bill is for hobby and recreational purposes and does not involve public safety use during operations. Upon speaking with Rep. Clarkson who introduced this bill she advised that a constituent of hers approached her about sponsoring the bill over privacy concerns. She further advised that she feels that drones will become more problematic if there are no regulations in place to protect privacy and also had similar concerns for use in criminal cases such as to case a residence in a burglary. She further advised that they had not thought of how to enforce the notification regulation such as if the drone was bought as an internet purchase and enforcement could be done through video or pictures.
3. What are likely to be the fiscal and programmatic implications of this bill for this Department? If passed as written there would be minimal fiscal and programmatic implications for DPS. The concerns as written are how to enforce the 100 foot requirement and this would require an investigation most likely based upon a statement from a victim that is judgmental and a perception issue based on their sight distance judgement. It would also be difficult to determine the height distance based on pictures or video unless the drone was at a very low distance. After the investigation the civil penalty would rest with the Judicial bureau and the first offense fine is \$50.

This bill also requires that persons who sell unmanned aircraft to provide written notice to each purchaser of an unmanned aircraft system required to be registered by the U.S Department of transportation of the Vermont 100

foot law. With internet sales of equipment this would be very challenging and time consuming to enforce and there is no penalty assessed.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? The fiscal and programmatic implications would be similar to DPS.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? The fiscal and programmatic implications would be similar to DPS.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? Public safety officials due to privacy concerns there need to be regulations to prevent flying of unmanned aircraft near residences/events. Without regulations persons could fly this equipment to be used in criminal cases or to harass other subjects.

6.2 Who else is likely to oppose the proposal and why? Media may oppose the bill as they may feel this is an attempt interfere with their reporting of a crime scene or accident scene where they would like to obtain closer coverage.

7. Rationale for recommendation: At present there are no regulations and therefore no specific law violation for someone flying an unmanned aircraft in close proximity to a residence or open area.

8. Specific modifications that would be needed to recommend support of this bill:

As stated above in #3 this bill is needed however would be difficult to enforce due to it being solely based on the perception of the victim unless observed by a law enforcement officer and there is no way to regulate sales and the 100 foot requirement notification.

9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? No.

Secretary/Commissioner has reviewed this document



Date: 2/4/16