

**Effective 7/17/2016**

**65A-3-2.5 Wildland fire and unmanned aircraft.**

- (1) As used in this section:
- (a) "Incident commander" means the government official or employee in command of the response to a wildland fire.
  - (b) "Neutralize" means to terminate the operation of an unmanned aircraft by:
    - (i) disabling or damaging the unmanned aircraft;
    - (ii) interfering with any portion of the unmanned aircraft system associated with the unmanned aircraft; or
    - (iii) otherwise taking control of the unmanned aircraft or the unmanned aircraft system associated with the unmanned aircraft.
  - (c) "Sanctioned entity" includes a person that oversees, is employed by, or is working under the direction of:
    - (i) a government entity;
    - (ii) a telecommunications provider;
    - (iii) a utility provider;
    - (iv) the owner or operator of a pipeline;
    - (v) an insurance provider;
    - (vi) a resource extraction entity;
    - (vii) news media;
    - (viii) a person that operates an unmanned aircraft system under a certificate of waiver, a certificate of authorization, or any other grant of authority obtained from the Federal Aviation Administration that expressly authorizes operation of the unmanned aircraft system; or
    - (ix) a person similar to a person described in Subsections (1)(c)(i) through (vii).
  - (d) "Unmanned aircraft" means an aircraft that is:
    - (i) capable of sustaining flight; and
    - (ii) operated with no possible direct human intervention from on or within the aircraft.
  - (e) "Unmanned aircraft system" means the entire system used to operate an unmanned aircraft, including:
    - (i) the unmanned aircraft;
    - (ii) communications equipment;
    - (iii) navigation equipment;
    - (iv) controllers;
    - (v) support equipment; and
    - (vi) autopilot functionality.
- (2) A person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within an area that is under a temporary flight restriction that is issued by the Federal Aviation Administration as a result of the wildland fire, or an area designated as a wildland fire scene on a system managed by a federal, state, or local government entity that disseminates emergency information to the public, unless the person operates the unmanned aircraft system with the permission of, and in accordance with the restrictions established by, the incident commander.
- (3) A person, other than a government official or a government employee acting within the person's capacity as a government official or government employee, that recklessly operates an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within an area described in Subsection (2) is guilty of:
- (a) except as provided in Subsection (3)(b), (c), or (d), a class B misdemeanor, punishable by imprisonment as provided in Section 76-3-204 and a fine not to exceed \$2,500;

- (b) except as provided in Subsection (3)(c) or (d), a class A misdemeanor, punishable by imprisonment as provided in Section 76-3-204 and a fine not to exceed \$5,000, if the operation of the unmanned aircraft system:
  - (i) causes an aircraft being used to contain or control a wildland fire to drop a payload of water or fire retardant in a location other than the location originally designated for the aircraft to drop the payload;
  - (ii) causes an aircraft being used to contain or control a wildland fire to land without dropping a payload of water or fire retardant in the location originally designated for the aircraft to drop the payload; or
  - (iii) prevents an aircraft, intended for use in containing or controlling a wildland fire, from taking flight;
- (c) except as provided in Subsection (3)(d), a third degree felony, punishable by imprisonment as provided in Section 76-3-203 and a fine not to exceed \$10,000, if the operation of the unmanned aircraft system causes the unmanned aircraft to come into direct physical contact with a manned aircraft; or
- (d) a second degree felony, punishable by imprisonment as provided in Section 76-3-203 and a fine not to exceed \$15,000, if the operation of the unmanned aircraft is the proximate cause of a manned aircraft colliding with the ground, a structure, or another manned aircraft.
- (4) A judge may require a person convicted of a violation under Subsection (3) to pay restitution in an amount equal to damages resulting from the violation, including damages to person or property, the costs of a flight, and any loss of fire retardant.
- (5) The incident commander of a wildland fire shall grant reasonable access to the area of, and within three miles of, the wildland fire to a sanctioned entity if:
  - (a) the access is for a purpose related to the responsibilities or business of the sanctioned entity; and
  - (b) the access can be granted, with reasonable restrictions, without imposing a safety risk or impairing efforts to control the wildland fire.
- (6) The chief law enforcement officer for a jurisdiction located in an area described in Subsection (2) or the incident commander of a wildland fire may neutralize or authorize another to neutralize an unmanned aircraft that is flying in an area described in Subsection (2) if the chief law enforcement officer or the incident commander determines that the neutralization is reasonably necessary to terminate a violation described in Subsection (3).
- (7) A political subdivision of the state, or an entity within a political subdivision of the state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft in relation to a wildland fire.

Amended by Chapter 3, 2016 Special Session 3