

By: Representative Morgan

To: Judiciary B

HOUSE BILL NO. 582

1 AN ACT TO CREATE THE "DRONE REGULATION ACT"; TO PROVIDE
2 DEFINITIONS FOR SUCH ACT; TO REGULATE THE USE OF DRONES IN THE
3 CAPTURING OF IMAGES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** This act shall be known and hereinafter referred
6 to as the "Drone Regulation Act."

7 **SECTION 2.** For purposes of this act, the following words
8 shall have the meaning ascribed herein unless the context shall
9 otherwise require:

10 (a) "Image" means any capturing of sound waves,
11 thermal, infrared, ultraviolet, visible light, or other
12 electromagnetic waves, odor, or other conditions existing on or
13 about real property in this state or an individual located on that
14 property; and

15 (b) "Drone" means any unmanned airborne device that is
16 operated without an individual in or on the device.

17 **SECTION 3.** (1) Except as otherwise provided in this
18 section, it shall be unlawful for any person to capture an



19 unauthorized image using a drone, as defined by this act. For
20 purposes of this act, the term "unauthorized" means without the
21 consent or approval of the person or owner or custodian, as
22 applicable, of the person, property or other entity of which an
23 image is captured.

24 (2) The provisions of subsection (1) of this section shall
25 not apply to:

26 (a) Any person who is conducting professional or
27 scholarly research and development and acting on behalf of an
28 institution of higher learning, if such person is a professor,
29 employee, or student of the institution; or under contract with or
30 otherwise acting under the direction of or on behalf of the
31 institution;

32 (b) Any unmanned airborne device that is in airspace
33 designated as a test site or range authorized by the Federal
34 Aviation Administration for the purpose of integrating unmanned
35 aircraft systems into the national airspace;

36 (c) Any unmanned airborne device that is used as part
37 of an operation, exercise, or mission of any branch of the United
38 States military;

39 (d) Any image that is captured by a satellite for the
40 purposes of mapping;

41 (e) Any image captured by or for an electric or natural
42 gas utility:



43 (i) For operations and maintenance of utility
44 facilities for the purpose of maintaining utility system
45 reliability and integrity;

46 (ii) For inspecting utility facilities to
47 determine repair, maintenance, or replacement needs during and
48 after construction of such facilities;

49 (f) For assessing vegetation growth for the purpose of
50 maintaining clearances on utility easements;

51 (g) For utility facility routing and siting for the
52 purpose of providing utility service;

53 (h) With the consent of the individual who owns or
54 lawfully occupies the real property captured in the image;

55 (i) By authorized law enforcement officers for law
56 enforcement purposes;

57 (j) If the image is captured by state or local law
58 enforcement authorities, or a person who is under contract with or
59 otherwise acting under the direction or on behalf of state
60 authorities, for the purpose of:

61 (i) Surveying the scene of a catastrophe or other
62 damage to determine whether a state of emergency should be
63 declared;

64 (ii) Preserving public safety, protecting
65 property, or surveying damage or contamination during a lawfully
66 declared state of emergency; or



67 (iii) Conducting routine air quality sampling and
68 monitoring, as provided by state or local law;

69 (k) At the scene of a spill, or a suspected spill, of
70 hazardous materials;

71 (l) For the purpose of fire suppression;

72 (m) For the purpose of rescuing a person whose life or
73 well-being is in imminent danger;

74 (n) If the image is captured by a Mississippi licensed
75 real estate broker in connection with the marketing, sale, or
76 financing of real property, provided that no individual is
77 identifiable in the image;

78 (o) Of public real property or a person on that
79 property;

80 (p) If the image is captured by the owner or operator
81 of an oil, gas, water, or other pipeline for the purpose of
82 inspecting, maintaining, or repairing pipelines or other related
83 facilities, and is captured without the intent to conduct
84 surveillance on an individual or real property located in this
85 state;

86 (q) In connection with oil and gas pipeline and well
87 safety and protection;

88 (r) In connection with port authority surveillance and
89 security; or

90 (s) An image captured by a state or local government
91 agency, or by a person who is under contract with or otherwise



92 acting under the direction or on behalf of such agency, and shall
93 not be used for any purpose other than the lawful purpose for
94 which the image was captured as permitted by this section.

95 **SECTION 4.** Any person violating the provisions of this act
96 shall be fined not more than Five Hundred Dollars (\$500.00), or
97 imprisoned for not more than six (6) months, or both. Each image
98 captured in violation of this act shall be a separate offense.
99 The amount of the fine for any subsequent violation of this act
100 shall be no less than One Thousand Five Hundred Dollars
101 (\$1500.00). The time for imprisonment for any subsequent
102 violation of this act shall be at least twelve (12) months in the
103 State Penitentiary.

104 **SECTION 5.** The provisions of this act shall apply unless
105 preempted by applicable federal law or by regulations adopted by
106 the Federal Aviation Administration.

107 **SECTION 6.** This act shall take effect and be in force from
108 and after July 1, 2016.

