

HOUSE BILL NO. 1493

Introduced by

Representatives Simons, Bellew, Hoverson, Johnston, Paur, Toman, Vetter

Senator Kannianen

1 A BILL ~~for an Act to create and enact a new section to chapter 29-29.4 of the North Dakota~~
2 ~~Century Code, relating to private property rights and unmanned aerial vehicle systems; to~~
3 ~~amend and reenact section 29-29.4-01 of the North Dakota Century Code, relating to~~
4 ~~definitions; and to provide a penalty.~~ for an Act to amend and reenact section 12.1-31-14 of the
5 North Dakota Century Code, relating to interference with privacy using an unmanned aerial
6 vehicle system; and to provide a penalty.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** ~~Section 29-29.4-01 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~— **29-29.4-01. Definitions.**~~

11 ~~— As used in this chapter:~~

12 ~~— 1. "Flight data" means imaging or other observation recording.~~

13 ~~— 2. "Flight information" means flight duration, flight path, and mission objective.~~

14 ~~— 3. "Law enforcement agency or agents" has the meaning provided for law enforcement~~
15 ~~officer in section 12.1-01-04.~~

16 ~~— 4. "Operator" means an individual exercising control over an unmanned aerial vehicle~~
17 ~~system during flight.~~

18 ~~— 5. "Unmanned aerial vehicle" means any aerial vehicle that is operated without the~~
19 ~~possibility of direct human intervention within or on the aerial vehicle. The term does~~
20 ~~not include satellites.~~

21 ~~— 5.6. "Unmanned aerial vehicle system" means an unmanned aerial vehicle and associated~~
22 ~~elements, including communication links and the components that control the~~
23 ~~unmanned aerial vehicle, which are required for the pilot in command to operate safely~~
24 ~~and efficiently in state airspace.~~

1 — **SECTION 2.** A new section to chapter 29-29.4 of the North Dakota Century Code is created
2 and enacted as follows:

3 — **Prohibited use of an unmanned aerial vehicle system – Penalty.**

4 — 1. Except as authorized by this chapter, an individual may not willfully operate an
5 unmanned aerial vehicle system:

6 — a. To capture or take photographs, images, video, or audio of another individual or
7 the private property of another individual, without that individual's consent, in a
8 manner that would invade the individual's reasonable expectation of privacy,
9 including capturing or recording through a window;

10 — b. To view, follow, or contact another individual or the private property of another
11 individual, without the individual's consent, in a manner that would invade the
12 individual's reasonable expectation of privacy, including viewing, following, or
13 contacting through a window;

14 — c. To chase, actively disturb, or otherwise harass or frighten livestock or any other
15 domestic animal owned by another individual;

16 — d. To harass another individual;

17 — e. Within a distance that would violate a disorderly conduct restraining order, an
18 order prohibiting contact, or a sexual assault restraining order;

19 — f. In a manner that disregards the safety of another individual or property; or

20 — g. In a manner that interferes with the official duties of law enforcement personnel or
21 emergency medical personnel.

22 — 2. An individual who violates subsection 1 is guilty of a:

23 — a. Class B misdemeanor for a violation of subdivisions a, b, or c; or

24 — b. Class A misdemeanor for a violation of subdivisions d, e, f, and g.

25 — 3. An individual who equips an unmanned aerial vehicle system with any deadly weapon
26 or operates an unmanned aerial vehicle system equipped with any deadly weapon,
27 other than for military or law enforcement purposes is guilty of a class A misdemeanor.

28 — a. A violation of this subsection is a class C felony if the individual willfully operates
29 an unmanned aerial vehicle system and the unmanned aerial vehicle system fires
30 a bullet or projectile.

- 1 ~~b. A violation of this subsection is a class B felony if the individual willfully operates~~
2 ~~an unmanned aerial vehicle system and the unmanned aerial system:~~
- 3 ~~(1) Fires a bullet or projectile that causes serious physical injury to another~~
4 ~~individual; or~~
- 5 ~~(2) Is specifically designed or modified to cause serious bodily injury, and the~~
6 ~~design or modification causes serious bodily injury to another individual.~~
- 7 ~~4. An individual who operates an unmanned aerial vehicle system with the intent to~~
8 ~~cause damage to or disrupt the flight of a manned aircraft is guilty of a class C felony.~~
- 9 ~~5. An individual who is the subject of any photograph, image, video, or audio recording~~
10 ~~taken in violation of subdivision a of subsection 1 has a civil cause of action against~~
11 ~~the operator of the unmanned aerial vehicle system who took the photograph, image,~~
12 ~~video, or audio recording for the purpose of publishing or otherwise disseminating the~~
13 ~~photograph, image, video, or audio recording. In lieu of actual damages, the individual~~
14 ~~who is the subject of the photograph, image, video, or audio recording may recover~~
15 ~~five thousand dollars for each photograph, image, video, or audio recording published~~
16 ~~or otherwise disseminated, as well as reasonable court costs, attorney's fees, and~~
17 ~~injunctive or other relief as determined by the court.~~
- 18 ~~6. An individual who is the subject of any other prohibited conduct under subsection 1~~
19 ~~has a civil cause of action against the operator of the unmanned aerial vehicle and is~~
20 ~~entitled to recover damages from the operator in the amount of one thousand dollars~~
21 ~~or actual damages, whichever is greater. The individual also is entitled to reasonable~~
22 ~~court costs, attorney's fees, and injunctive or other relief as determined by the court.~~
- 23 ~~7. An individual authorized by the federal aviation administration to operate an~~
24 ~~unmanned aerial vehicle system for commercial purposes may operate an unmanned~~
25 ~~aerial vehicle system in this state if the unmanned aerial vehicle system is operated in~~
26 ~~a manner consistent with federal law and this chapter.~~

27 **SECTION 1. AMENDMENT.** Section 12.1-31-14 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **12.1-31-14. Surreptitious intrusion or interference with privacy.**

- 30 1. An individual is guilty of a class B misdemeanor if, with intent to intrude upon or
31 interfere with the privacy of another, the individual:

- 1 a. Enters upon another's property and surreptitiously gazes, stares, or peeps into a
2 house or place of dwelling of another; or
- 3 b. Enters upon another's property and surreptitiously installs or uses any device for
4 observing, photographing, recording, amplifying, or broadcasting sounds or
5 events from a house or place of dwelling of another.
- 6 2. An individual is guilty of a class B misdemeanor if, with intent to intrude upon or
7 interfere with the privacy of an occupant, the individual:
- 8 a. Surreptitiously gazes, stares, or peeps into a tanning booth, a sleeping room in a
9 hotel, or other place where a reasonable individual would have an expectation of
10 privacy; or
- 11 b. Surreptitiously installs or uses any device for observing, photographing,
12 recording, amplifying, or broadcasting sounds or events from a tanning booth, a
13 sleeping room in a hotel, or other place where a reasonable individual would
14 have an expectation of privacy.
- 15 3. An individual may not willfully operate an unmanned aerial vehicle system:
- 16 a. To capture or take photographs, images, video, or audio of another individual or
17 the private property of another individual, without that individual's consent, in a
18 manner that would invade the individual's reasonable expectation of privacy,
19 including capturing or recording through a window; or
- 20 b. To view, follow, or contact another individual or the private property of another
21 individual, without the individual's consent, in a manner that would invade the
22 individual's reasonable expectation of privacy, including viewing, following, or
23 contacting through a window.
- 24 4. An individual who violates subsection 3 is guilty of a class B misdemeanor.