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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 990

02/28/2013 Authored by Davids

The bill was read for the first time and referred to the Committee on Transportation Policy

1.1 A bill for an act
1.2 relating to aeronautics; regulating unmanned aircraft; creating criminal penalties;
1.3 authorizing civil actions; amending Minnesota Statutes 2012, section 360.013,
1.4 by adding subdivisions; proposing coding for new law in Minnesota Statutes,
1.5 chapter 360.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 360.013, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 49a. Minnesota air space. "Minnesota air space" means the space above
1.10 the lands and waters of this state, regardless of altitude. "Minnesota air space" includes
1.11 (1) navigable air space; and (2) air space located around any structure or tree, whether
1.12 above, below, between, or within.

1.13 Sec. 2. Minnesota Statutes 2012, section 360.013, is amended by adding a subdivision
1.14 to read:

1.15 Subd. 62. Unmanned aircraft. "Unmanned aircraft" means an aircraft that is
1.16 operated without physical human presence on board the aircraft. "Unmanned aircraft"
1.17 includes an aircraft that:

- 1.18 (1) can fly autonomously or be piloted remotely;
- 1.19 (2) can be expendable or recoverable; and
- 1.20 (3) is capable of flight or hovering, regardless of altitude.

1.21 Sec. 3. **[360.0755] UNMANNED AIRCRAFT.**

1.22 Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this
1.23 subdivision have the meanings given them.

2.1 (b) "Person" has the meaning given in section 360.013, subdivision 53, and includes
2.2 the state, including but not limited to a political subdivision of the state and a public
2.3 safety agency.

2.4 (c) "Public safety agency" means a law enforcement agency or fire department.

2.5 (d) "Surveillance device" means equipment that is capable of collecting information
2.6 from, or observational data on, its surroundings relating to (1) a natural individual, (2)
2.7 personal property, (3) real property whether public or private, or (4) a geographic area.
2.8 The term includes but is not limited to a video or still camera; sensor using visible,
2.9 infrared, or ultraviolet frequencies; microphone; thermal or chemical detector; radiation
2.10 gauge; facial recognition or other biometric identification technology; wireless receiver in
2.11 any frequency; device capable of capturing voice or digital communications; and license
2.12 plate reader. The term excludes equipment whose sole function is to provide visual
2.13 information directly necessary for safe air navigation or piloting of an unmanned aircraft.

2.14 Subd. 2. **Prohibition; surveillance.** Except as provided in subdivision 4, no
2.15 person may operate in Minnesota air space an unmanned aircraft that is equipped with a
2.16 surveillance device.

2.17 Subd. 3. **Prohibition; equipment.** An unmanned aircraft may not be equipped with
2.18 (1) a dangerous weapon, as defined in section 609.02, subdivision 6; or (2) a nonlethal
2.19 device that is designed to harm or incapacitate a human being. A nonlethal device under
2.20 clause (2) includes but is not limited to a projectile, chemical, electrical, sound-based, or
2.21 directed-energy device.

2.22 Subd. 4. **Exceptions; conditions.** The prohibition under subdivision 2 does not
2.23 apply to operation of an unmanned aircraft:

2.24 (1) by a person, if:

2.25 (i) the aircraft is used solely within the space above real property owned, or for
2.26 which an easement is held, by the person;

2.27 (ii) the person implements procedures to ensure that any use of the surveillance device
2.28 is limited to collecting information on personal or real property owned by the person; and

2.29 (iii) any information collected on a natural individual, or personal or real property
2.30 not owned by the person, is incidental to the purpose of the unmanned aircraft operation;

2.31 (2) by a person, if the aircraft is used solely in the furtherance of scientific research
2.32 that excludes collection of personally identifiable information on natural individuals;

2.33 (3) by a law enforcement agency, if the agency first obtains a search warrant
2.34 authorizing its use;

3.1 (4) by a law enforcement agency to counter a high risk of a terrorist attack by a
3.2 specific individual or organization, if the secretary of the United States Department of
3.3 Homeland Security determines that credible intelligence indicates such risk;

3.4 (5) by a public safety agency, if the agency possesses reasonable suspicion that,
3.5 under exigent circumstances, aircraft use is necessary to prevent imminent (i) serious
3.6 bodily harm or loss of life, (ii) serious destruction of property, (iii) escape of a suspect, or
3.7 (iv) destruction of evidence; or

3.8 (6) by a state agency during a declared state of emergency, to preserve public safety,
3.9 protect property, or assess environmental damage.

3.10 Subd. 5. **Requirements.** An agency that operates an unmanned aircraft under
3.11 subdivision 4 shall maintain a detailed record of the operation, including the factual basis
3.12 for the mission. The agency shall submit a copy of the documentation to the attorney
3.13 general within 48 hours of completion of the operation. Except where data is otherwise
3.14 classified by law, the contents of the agency's submission to the attorney general are public.

3.15 Subd. 6. **Violation; penalty; remedy.** (a) Violation of this section is a gross
3.16 misdemeanor.

3.17 (b) A person aggrieved by violation of this section by a state agency or law
3.18 enforcement agency may bring a civil action against the agency to recover damages for
3.19 injunctive relief or any other appropriate relief as determined by the court.

3.20 Subd. 7. **Use of evidence.** Evidence obtained or collected in violation of this section
3.21 is not admissible in a civil action or criminal prosecution in this state.

3.22 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
3.23 committed on or after that date.