
HOUSE BILL 1049

State of Washington

65th Legislature

2017 Regular Session

By Representative Morris

Prefiled 12/23/16. Read first time 01/09/17. Referred to Committee on Technology & Economic Development.

1 AN ACT Relating to unmanned aircraft; adding a new section to
2 chapter 47.68 RCW; adding a new section to chapter 4.24 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.68
6 RCW to read as follows:

7 (1) It is unlawful for a person to launch an unmanned aircraft in
8 Washington state without specific federal authorization unless the
9 unmanned aircraft is clearly and prominently labeled with the name
10 and phone number of the unmanned aircraft's owner and operator.

11 (2) It is unlawful for an operator of an unmanned aircraft to,
12 without specific federal authorization, operate the unmanned aircraft
13 over real property lawfully owned or occupied by a person, other than
14 a public agency, without the consent of a lawful owner or occupant of
15 the real property.

16 (3) Subsections (1) and (2) of this section do not apply if the
17 unmanned aircraft is lawfully in the flight path for landing at an
18 airport, airfield, or runway and the unmanned aircraft is lawfully in
19 the process of taking off or landing, pursuant to specific federal
20 authorization.

1 (4) Any person who operates an unmanned aircraft in violation of
2 subsection (1) or (2) of this section commits a class 2 civil
3 infraction punishable under chapter 7.80 RCW. The penalties provided
4 in RCW 47.68.240 do not apply to this section.

5 (5) This section may be enforced by any law enforcement officer.

6 (6) For purposes of this section:

7 (a) "Law enforcement officer" means any general authority,
8 limited authority, or specially commissioned Washington peace officer
9 or federal peace officer, as those terms are defined in RCW
10 10.93.020.

11 (b) "Public agency" has the same meaning as defined in RCW
12 42.30.020.

13 (c) "Radio-controlled aircraft" means an aircraft with no human
14 pilot on board that is entirely manually controlled using a handheld
15 radio transmitter and that is not capable of autonomous flight.

16 (d) "Specific federal authorization" means lawfully permitted
17 under the federal aviation administration modernization and reform
18 act of 2012, P.L. 112-95, as in effect on January 1, 2015, except
19 that "specific federal authorization" does not include operation of
20 an unmanned aircraft as federally authorized under the special rule
21 for model aircraft provided in section 336 of that act.

22 (e) "Unmanned aircraft" means an aircraft, other than a
23 radio-controlled aircraft, with no human pilot on board.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
25 to read as follows:

26 (1) Except as provided in subsection (2) of this section, a
27 person who owns or lawfully occupies real property in this state may
28 bring an action for trespass against any person, other than a public
29 agency, who operates an unmanned aircraft over the real property if:

30 (a) The operator of the unmanned aircraft has flown the unmanned
31 aircraft over the property on at least one previous occasion; and

32 (b) An owner or lawful occupant of the real property has notified
33 the owner or operator of the unmanned aircraft that an owner or
34 lawful occupant of the real property did not want the unmanned
35 aircraft flown over the property.

36 (2) A person may not bring an action under this section if the
37 unmanned aircraft is lawfully in the flight path for landing at an
38 airport, airfield, or runway and the unmanned aircraft is lawfully in

1 the process of taking off or landing, pursuant to specific federal
2 authorization.

3 (3) In any action brought under subsection (1) of this section, a
4 person may recover actual damages or elect to recover, without proof
5 of special damages, five hundred dollars as liquidated damages. A
6 person may be awarded injunctive relief in the action.

7 (4) This section is not intended to limit the rights and defenses
8 available at common law under a claim of liability for wrongful
9 occupation of real property.

10 (5) A prevailing plaintiff under this section is entitled to
11 recover reasonable attorneys' fees and legal expenses. These expenses
12 are not confined to the costs allowed under RCW 4.84.010.

13 (6) For purposes of this section:

14 (a) "Public agency" has the same meaning as defined in RCW
15 42.30.020.

16 (b) "Radio-controlled aircraft" means an aircraft with no human
17 pilot on board that is entirely manually controlled using a handheld
18 radio transmitter and that is not capable of autonomous flight.

19 (c) "Specific federal authorization" means lawfully permitted
20 under the federal aviation administration modernization and reform
21 act of 2012, P.L. 112-95, as in effect on January 1, 2015, except
22 that "specific federal authorization" does not include operation of
23 an unmanned aircraft as federally authorized under the special rule
24 for model aircraft provided in section 336 of that act.

25 (d) "Unmanned aircraft" means an aircraft, other than a
26 radio-controlled aircraft, with no human pilot on board.

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