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HOUSE BILL 1766

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State of Washington

66th Legislature

2019 Regular Session

**By** Representatives Lovick, Griffey, Pettigrew, Goodman, Sells, Orwall, Kilduff, Tarleton, Valdez, Gregerson, Mead, Callan, Walen, Appleton, Ortiz-Self, Kirby, Cody, Morgan, Riccelli, Macri, Davis, Bergquist, Ryu, Lekanoff, Stokesbary, Irwin, Vick, and Shea

Read first time 01/30/19. Referred to Committee on Innovation, Technology & Economic Development.

1 AN ACT Relating to unmanned aircraft; adding a new chapter to  
2 Title 9A RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires  
6 otherwise.

7 (1) "Contraband" has the same meaning as provided in RCW  
8 9A.76.010.

9 (2) "Detention facility" has the same meaning as provided in RCW  
10 9A.76.010.

11 (3) "Private place" means a place where a person has a reasonable  
12 expectation of privacy.

13 (4) "Secure facility" has the same meaning as provided in RCW  
14 71.09.020.

15 (5) "Surveillance" means using an unmanned aircraft or causing an  
16 unmanned aircraft to be used to enter or remain on or above the land  
17 of another in order to observe, record, or invade the privacy of  
18 another.

19 (6) "Unmanned aircraft" means an aircraft that is operated  
20 without the possibility of direct human intervention from within or  
21 on the aircraft.

1        NEW SECTION.    **Sec. 2.**    (1) A person is guilty of unlawful use of  
2 an unmanned aircraft if the person knowingly uses an unmanned  
3 aircraft to:

4        (a) Conduct surveillance of another person in a private place;

5        (b) Operate the unmanned aircraft in a manner which places  
6 another person in reasonable fear of bodily injury; or

7        (c) Deliver, provide, transmit, or furnish contraband to a person  
8 confined in a detention facility or secure facility.

9        (2) In a prosecution under this section, it is a defense that the  
10 use of the unmanned aircraft was for the purpose of:

11        (a) Performing official duties by: (i) A peace officer; (ii) an  
12 employee or agent of the department of corrections, detention  
13 facility, or secure facility; (iii) an officer, employee, or agent of  
14 the federal, state, or local government including, but not limited  
15 to, a firefighter or emergency medical responder; or (iv) an employee  
16 or agent of an electric, water, natural gas, or other utility; or

17        (b) Aerial data collection, so long as: (i) The person used the  
18 unmanned aircraft in compliance with regulations promulgated by the  
19 federal aviation administration or he or she possesses an exemption  
20 issued by the federal aviation administration; and (ii) the person  
21 did not knowingly conduct surveillance of another person in a private  
22 place.

23        (3) Unlawful use of an unmanned aircraft is a gross misdemeanor.

24        (4) A person who, in the commission of the offense under this  
25 section, commits any other crime may be punished for that other crime  
26 as well as for the offense under this section and may be prosecuted  
27 for each crime separately.

28        NEW SECTION.    **Sec. 3.**    The state hereby occupies and preempts the  
29 field of unmanned aircraft regulation within the boundaries of the  
30 state, including for the purchase, acquisition, possession,  
31 operation, and use of unmanned aircraft. Cities, towns, counties, and  
32 other municipalities may not enact laws, ordinances, and resolutions  
33 pertaining to the purchase, acquisition, possession, operation, and  
34 use of unmanned aircraft, unless specifically authorized by statute.  
35 The preemption in this section applies regardless of the nature of  
36 the code, charter, or home rule status of a city, town, county, or  
37 other municipality. Any local laws, ordinances, and resolutions in  
38 violation of this section are void as of the effective date of this  
39 section.

1        NEW SECTION.        **Sec. 4.**        Sections 1 through 3 of this act  
2        constitute a new chapter in Title 9A RCW.

3        NEW SECTION.        **Sec. 5.**        If any provision of this act or its  
4        application to any person or circumstance is held invalid, the  
5        remainder of the act or the application of the provision to other  
6        persons or circumstances is not affected.

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