

HOUSE BILL NO. 1619

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

3474H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 542, RSMo, by adding thereto one new section relating to aerial observations, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 542, RSMo, is amended by adding thereto one new section, to be known as section 542.530, to read as follows:

542.530. 1. As used in this section, the following terms mean:

- (1) "Drone", any powered aerial vehicle that:**
 - (a) Does not carry a human operator;**
 - (b) Uses aerodynamic forces to provide vehicle lift;**
 - (c) Can fly autonomously or be piloted remotely;**
 - (d) Can be expendable or recoverable; and**
 - (e) Can carry a lethal or nonlethal payload;**
- (2) "Model aircraft", an unmanned aircraft that is:**
 - (a) Capable of sustained flight in the atmosphere;**
 - (b) Flown within visual line of sight of the person remotely operating the aircraft; and**
 - (c) Flown for hobby or recreational purposes;**
- (3) "Unmanned aircraft", an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.**

2. No employee of a state agency or a political subdivision of the state shall use a drone or unmanned aircraft over private property to photograph, film, create an image, or livestream the property without the consent of the property owner or a search

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 warrant as required under Article I, Section 15 of the Constitution of Missouri or the
19 Fourth and Fourteenth Amendments of the Constitution of the United States. The
20 provisions of this subsection shall not apply in cases involving state or national
21 emergency, state or national security, or missing persons.

22 3. No person shall use a drone or unmanned aircraft over private property to
23 photograph, film, create an image, or livestream the property without the consent of the
24 property owner unless the person is providing assistance to a law enforcement agency in
25 cases involving state or national emergency, state or national security, or missing
26 persons.

27 4. No person shall use a drone or unmanned aircraft to photograph, film,
28 videotape, or otherwise create an image of another person without the person's consent
29 unless the person using the drone or unmanned aircraft is providing assistance to a law
30 enforcement agency in cases involving state or national emergency, state or national
31 security, or missing persons.

32 5. This section does not prohibit the use of a model aircraft.

33 6. (1) Any aggrieved party may obtain, in a civil action, all appropriate relief to
34 prevent or remedy a violation of this section.

35 (2) No information obtained or collected in violation of this section shall be
36 admissible as evidence in a criminal proceeding in any court of law in the state or in an
37 administrative hearing.

38 (3) Sovereign immunity for the state of Missouri is waived for any civil action
39 resulting from a violation of this section.

40 7. Any person violating the provisions of subsection 3 or 4 of this section shall be
41 guilty of a class A misdemeanor unless:

42 (1) The person who creates an image in violation of subsection 3 or 4 of this
43 section distributes the image to another or transmits the image in a manner that allows
44 access to that image via computer; or

45 (2) The person disseminates or permits the dissemination by any means, to
46 another person, of a videotape, photograph, or film obtained in violation of subsection 3
47 or 4 of this section,

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49 in which case the person shall be guilty of a class E felony.

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