
HOUSE BILL 1093

State of Washington

64th Legislature

2015 Regular Session

By Representative Morris

Prefiled 01/09/15.

1 AN ACT Relating to unmanned aircraft; adding a new chapter to
2 Title 14 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that technological
5 developments in unmanned aircraft have expanded the vehicles'
6 capacity to be widely deployed in our state and in our communities.
7 The legislature further finds that while the federal aviation
8 administration modernization and reform act of 2012 establishes a
9 regulatory framework for the use of unmanned aircraft by public
10 agencies and commercial entities, the recreational use of certain
11 small unmanned aircraft outside of federally controlled airspace is
12 exempt from federal regulation. The potential for these small
13 unmanned aircraft to be operated in close proximity to human
14 dwellings and activities presents opportunities for widespread
15 recreational use and enjoyment. At the same time, the recreational
16 use of unmanned aircraft in Washington state airspace increases the
17 likelihood of physical trespass onto private property and invasions
18 of personal privacy. The legislature intends to protect personal
19 privacy by prohibiting the use of unmanned aircraft equipped with
20 sensing devices that collect personal information, including images

1 of individuals on private property that could not have been captured
2 without the assistance of the unmanned aircraft.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Active sensing device" means a sensing device that is
7 acquiring personal information from its surroundings. A sensing
8 device is not an "active sensing device" when it is capable of
9 acquiring personal information from its surroundings, but this
10 functionality is dormant or has not been activated.

11 (2) "Person" means a natural person.

12 (3) "Personal information" means:

13 (a) Any information that describes, locates, or indexes anything
14 about a person including, but not limited to, his or her social
15 security number, driver's license number, agency-issued
16 identification number, student identification number, real or
17 personal property holdings derived from tax returns, and his or her
18 education, financial transactions, medical history, ancestry,
19 religion, political ideology, or criminal or employment record; or

20 (b) Any image of a person taken from any location in the
21 Washington state airspace, when the person whose image has been
22 captured is on private property, the landowner and tenants with a
23 right to occupy the private property have not consented to the
24 capture of images of their person on the property, and the taking of
25 such an image is in violation of the reasonable expectation of
26 privacy of the person. The legislature finds and declares that except
27 as otherwise required by the first amendment of the United States
28 Constitution, the reasonable expectation of privacy of a person whose
29 image has been captured under the circumstances described in this
30 subsection (3)(b) has been violated when the image could not have
31 been captured from outside the boundaries of the property on which
32 the person is located, from an ordinary vantage point, and without
33 the assistance of the unmanned aircraft. This finding is intended to
34 be in addition to, and not in derogation of, any expectation of
35 privacy established as reasonable by law, or recognized by the
36 courts, including expectations of privacy deemed reasonable under the
37 Constitution of the state of Washington and of the United States.

38 (4)(a) "Sensing device" means a device capable of acquiring
39 personal information from its surroundings through any means

1 including, but not limited to, cameras, thermal detectors,
2 microphones, chemical detectors, radiation gauges, and wireless
3 receivers in any frequency.

4 (b) "Sensing device" does not include equipment, the sole
5 function of which is to provide information directly necessary for
6 safe air navigation or piloting of an unmanned aircraft.

7 (5) "Unmanned aircraft" means an aircraft that is operated
8 without physical human presence on board the aircraft.

9 (6) "Washington state airspace" means all airspace within the
10 territorial limits of this state that is within class G airspace and
11 not otherwise classified as controlled by the federal aviation
12 administration.

13 NEW SECTION. **Sec. 3.** (1) No person may operate in Washington
14 state airspace an unmanned aircraft that is equipped with an active
15 sensing device unless:

16 (a) The federal government has provided specific authorization
17 for the operation; or

18 (b) The operation complies with each of the conditions
19 established in section 4 of this act.

20 (2) For purposes of subsection (1) of this section, "specific
21 authorization" by the federal government includes operation under a
22 certificate of authorization or other authorization issued pursuant
23 to the federal aviation administration modernization and reform act
24 of 2012 (49 U.S.C. 40101 Sec. 336), but does not include operation of
25 an unmanned aircraft pursuant to the exemption from regulation for
26 recreational uses established in the special rule for model aircraft
27 of the federal aviation administration modernization and reform act
28 of 2012 (49 U.S.C. 40101 Sec. 336).

29 (3) Nothing in this chapter may be construed as authorizing the
30 use of, prohibiting the use of, or regulating in any manner the use
31 of an unmanned aircraft by a public agency.

32 NEW SECTION. **Sec. 4.** Except where specifically authorized by
33 the federal government, an unmanned aircraft that is equipped with an
34 active sensing device may not be operated in Washington state
35 airspace unless the following conditions are met:

36 (1) The unmanned aircraft is clearly and conspicuously labeled
37 with the name and contact information of the aircraft's owner and
38 operator; and

1 (2) The unmanned aircraft does not have an active sensing device
2 onboard that collects personal information about any individual
3 without the individual's consent.

4 NEW SECTION. **Sec. 5.** Any person who violates the requirements
5 of section 4 of this act with the intent to capture any type of
6 personal information of another person for an illicit purpose,
7 including a commercial purpose where the commercial use of the
8 unmanned aircraft is not compliant with the requirements of the
9 federal aviation administration modernization and reform act of 2012
10 or other applicable law, is guilty of a misdemeanor, in addition to
11 any other penalty provided by law.

12 NEW SECTION. **Sec. 6.** In addition to any other remedies
13 authorized by law, an individual whose reasonable expectation of
14 privacy is violated by the use of an unmanned aircraft equipped with
15 an active sensing device in violation of the requirements of this
16 chapter may bring an action for damages from the person who committed
17 the violation. The person may recover actual damages or liquidated
18 damages of five thousand dollars, whichever is greater, and an award
19 of costs and reasonable attorneys' fees.

20 NEW SECTION. **Sec. 7.** The remedy provided by this chapter does
21 not restrict any remedy that is otherwise available. The provisions
22 of this chapter are not exclusive and are in addition to any other
23 requirements, rights, remedies, and penalties provided by law.

24 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act
25 constitute a new chapter in Title 14 RCW.

26 NEW SECTION. **Sec. 9.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

--- END ---