
A BILL FOR AN ACT

RELATING TO UNMANNED AERIAL SYSTEMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the use of unmanned
2 aerial systems has drastically increased in recent years as
3 unmanned aerial systems have become readily available to the
4 general public. As a result of the increased presence of
5 unmanned aerial systems in the State, the legislature finds that
6 there is a need to ensure the reasonable and responsible use of
7 unmanned aerial systems. In particular, the use of unmanned
8 aerial systems over residential property raises concerns
9 relating to property rights.

10 The legislature further finds that the Federal Aviation
11 Administration has not provided adequate guidance relating to
12 the reasonable and responsible use of unmanned aerial systems.
13 Due to the lack of federal guidance, the legislature finds that
14 it is necessary to take action to protect the property rights of
15 Hawaii's citizens.

16 The purpose of this Act is to prohibit the use, navigation,
17 piloting, or operation of an unmanned aerial system less than



1 five hundred feet above ground level above residential property
2 without the express consent of the property's owner or lessee.

3 SECTION 2. Chapter 261, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§261- Unmanned aerial systems; use over residential
7 property; civil remedies. (a) No person shall use, navigate,
8 pilot, or operate an unmanned aerial system less than five
9 hundred feet above ground level within the airspace above a
10 residential property without the express consent of the owner or
11 lessee of the residential property.

12 (b) An owner or lessee of a residential property may bring
13 a civil action against any person who uses, navigates, pilots,
14 or operates an unmanned aerial system less than five hundred
15 feet above ground level within the airspace above the
16 residential property.

17 (c) In any civil action brought under subsection (b), if
18 the court finds a violation of this section, the court may award
19 any appropriate relief, including but not limited to:

20 (1) Equitable relief to prevent or remedy a violation; and



1 (2) Monetary damages, including actual and general
 2 damages, reasonable attorney's fees, and other
 3 litigation costs reasonably incurred, in an amount no
 4 less than \$ _____.

5 (d) As used in this section:

6 "Unmanned aerial system" means a powered aerial vehicle
 7 that:

- 8 (1) Does not carry a human operator;
- 9 (2) Uses aerodynamic forces to provide vehicle lift;
- 10 (3) Can fly autonomously or be piloted remotely; and
- 11 (4) Can be expendable or recoverable;

12 provided that the term shall not include model flying airplanes
 13 or rockets, including those that are radio controlled or
 14 otherwise remotely controlled and that are used purely for sport
 15 or recreational purposes.

16 (e) Notwithstanding any provision to the contrary, this
 17 section shall not apply to the use, navigation, piloting, or
 18 operation of an unmanned aerial system by a state or county law
 19 enforcement agency."



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1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY: *Guthrie Thibodeau*

JAN 13 2016



H.B. NO. 1522

Report Title:

Unmanned Aerial Systems; Residential Property

Description:

Prohibits the use, navigation, piloting, or operation of an unmanned aerial system less than five hundred feet above ground level within the airspace above a residential property without the express consent of the property's owner or lessee. Defines unmanned aerial system.

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