
A BILL FOR AN ACT

RELATING TO UNMANNED AIRCRAFT SYSTEMS.

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

1 SECTION 1. The legislature finds that the use of unmanned
2 aircraft systems by private entities for surveillance and data
3 collection has increased in recent years. The legislature
4 further finds that this rapidly changing technology has positive
5 uses in public safety; however, it remains important to uphold
6 and protect the privacy rights of individuals and their freedom
7 from unwarranted surveillance.

8 The purpose of this Act is to prescribe limits on the use
9 of unmanned aircraft systems by private entities.

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

13 "§261- Unmanned aircraft systems surveillance; criminal
14 penalties; civil remedies. (a) No person shall use, navigate,
15 or pilot an unmanned aircraft system to:



1 (1) Conduct surveillance or observation of another person
2 or a dwelling owned by another person without the
3 person's written consent; or

4 (2) Photograph a person, without the person's written
5 consent, for the purpose of publishing or otherwise
6 publicly distributing the photograph.

7 (b) Nothing in this section shall be construed to prohibit
8 the use, piloting, or navigation of an unmanned aircraft system
9 for the purpose of taking photographs of public gatherings.

10 (c) Any person who violates this section shall be guilty
11 of a misdemeanor and shall be fined not less than \$1,000 for
12 each violation.

13 (d) Any person who is the subject of surveillance or
14 observation or who is photographed in violation of this section
15 may bring a civil action against the person who conducted the
16 surveillance or observation or who used, navigated, or piloted
17 an unmanned aircraft system to photograph the person for the
18 purposes of publishing or otherwise publicly distributing the
19 photograph.



1 (e) In any civil action brought under subsection (d), if
2 the court finds a violation of this section, the court may
3 award:

4 (1) Any appropriate relief, including but not limited to
5 equitable relief to prevent or remedy a violation; and

6 (2) Monetary damages, including actual and general
7 damages, reasonable attorney's fees, and other
8 litigation costs reasonably incurred, in an amount no
9 less than \$1,000; provided that the amount shall be no
10 less than \$10,000 if a photograph of a person
11 collected through the use of an unmanned aircraft
12 system was published or publicly distributed without
13 that person's permission.

14 (f) As used in this section:

15 "Unmanned aircraft system" means a powered aerial vehicle
16 that:

17 (1) Does not carry a human operator;

18 (2) Uses aerodynamic forces to provide vehicle lift;

19 (3) Can fly autonomously or be piloted remotely;

20 (4) Can be expendable or recoverable; and

21 (5) Can carry a lethal or nonlethal payload;



1 provided that the term shall not include model flying airplanes
2 or rockets, including those that are radio controlled or
3 otherwise remotely controlled and that are used purely for sport
4 or recreational purposes."

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

8 SECTION 4. New statutory material is underscored.

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

10

INTRODUCED BY:

Cindy Evans.

JAN 23 2015



H.B. NO. 609

Report Title:

Unmanned Aircraft Systems; Aeronautics

Description:

Restricts the use, navigation, or piloting of unmanned aircraft systems. Creates criminal penalties and civil remedies.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

