
HOUSE CONCURRENT RESOLUTION

URGING CONGRESS AND THE FEDERAL AVIATION ADMINISTRATION TO ADOPT
LAWS AND REGULATIONS THAT BAN, REGULATE, OR EXPRESSLY
AUTHORIZE STATE AND LOCAL GOVERNMENTS TO BAN OR REGULATE
THE USE OF UNMANNED AERIAL VEHICLES OVER PRIVATE PROPERTY.

1 WHEREAS, the rapid growth and widespread adoption of
2 unmanned aircraft systems, popularly known as "drones", has
3 created potential risks to people and property in the State; and
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5 WHEREAS, incidents involving the unauthorized or unsafe use
6 of unmanned aircraft systems have risen dramatically in recent
7 years, with reports of incidents of unmanned aircraft systems
8 interfering with civil airliners and aerial firefighting; and
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10 WHEREAS, in addition, the unsafe, unauthorized, and
11 unregulated practice of flying unmanned aircraft systems over
12 other people's private property has created serious concerns
13 about safety, privacy, and liability, as well as violation of
14 the rights of property owners; and
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16 WHEREAS, many states and municipalities have attempted to
17 regulate aspects of unmanned aircraft systems usage, including
18 passing laws to address privacy and safety concerns; and
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20 WHEREAS, however, because Congress has provided the Federal
21 Aviation Administration with the exclusive authority to regulate
22 the navigable airspace, it is unclear whether state or local
23 laws that purport to regulate unmanned aircraft systems usage
24 are preempted by federal law; and
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26 WHEREAS, for example, some jurisdictions have enacted laws
27 that ban unmanned aircraft systems from operating below an
28 altitude of four hundred feet over private property without the
29 express permission of the property owner; and



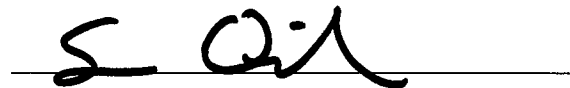
1 WHEREAS, however, at least one ordinance that attempted to
2 regulate the use of unmanned aircraft systems in this manner has
3 been struck down by the federal judiciary in Singer v. City of
4 Newton, 284 F.Supp.3d 125 (2017), as thwarting the Federal
5 Aviation Administration's objectives and Congress's intent for
6 the Federal Aviation Administration to "integrate drones into
7 the national airspace"; and

8
9 WHEREAS, unless Congress or the Federal Aviation
10 Administration pass laws or regulations that address the
11 harassment, privacy violations, and annoyance that unmanned
12 aircraft systems bring, or authorize state and local governments
13 to address these issues, it is likely that incursions by
14 unmanned aircraft systems on the right of Americans to
15 peacefully enjoy their property will continue; now, therefore,
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17 BE IT RESOLVED by the House of Representatives of the
18 Thirtieth Legislature of the State of Hawaii, Regular Session of
19 2019, the Senate concurring, that Congress and the Federal
20 Aviation Administration are requested to adopt laws and
21 regulations that ban, regulate, or expressly authorize state and
22 local governments to ban or regulate the use of unmanned
23 aircraft systems over private property; and
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25 BE IT FURTHER RESOLVED that certified copies of this
26 Concurrent Resolution be transmitted to the President of the
27 United States, Majority Leader of the United States Senate,
28 Speaker of the United States House of Representatives, members
29 of Hawaii's congressional delegation, and Administrator of the
30 Federal Aviation Administration.
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OFFERED BY:



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