

HOUSE 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.

WHEREAS, the rapid growth and widespread adoption of unmanned aircraft systems, popularly known as "drones", has created potential risks to people and property in the State; and

WHEREAS, incidents involving the unauthorized or unsafe use of unmanned aircraft systems have risen dramatically in recent years, with reports of incidents of unmanned aircraft systems interfering with civil airliners and aerial firefighting; and

WHEREAS, in addition, the unsafe, unauthorized, and unregulated practice of flying unmanned aircraft systems over other people's private property has created serious concerns about safety, privacy, and liability, as well as violation of the rights of property owners; and

WHEREAS, many states and municipalities have attempted to regulate aspects of unmanned aircraft systems usage, including passing laws to address privacy and safety concerns; and

WHEREAS, however, because Congress has provided the Federal Aviation Administration with the exclusive authority to regulate the navigable airspace, it is unclear whether state or local laws that purport to regulate unmanned aircraft systems usage are preempted by federal law; and

WHEREAS, for example, some jurisdictions have enacted laws that ban unmanned aircraft systems from operating below an altitude of four hundred feet over private property without the express permission of the property owner; and

WHEREAS, however, at least one ordinance that attempted to regulate the use of unmanned aircraft systems in this manner has

been struck down by the federal judiciary in Singer v. City of Newton, 284 F.Supp.3d 125 (2017), as thwarting the Federal Aviation Administration's objectives and Congress's intent for the Federal Aviation Administration to "integrate drones into the national airspace"; and

WHEREAS, unless Congress or the Federal Aviation
Administration pass laws or regulations that address the
harassment, privacy violations, and annoyance that unmanned
aircraft systems bring, or authorize state and local governments
to address these issues, it is likely that incursions by
unmanned aircraft systems on the right of Americans to
peacefully enjoy their property will continue; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019, that Congress and the Federal Aviation Administration are requested to adopt laws and regulations that ban, regulate, or expressly authorize state and local governments to ban or regulate the use of unmanned aircraft systems over private property; and

 BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President of the United States, Majority Leader of the United States Senate, Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, and Administrator of the Federal Aviation Administration.

OFFERED BY:

MAR - 7 2019