
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 rapid growth,
2 and widespread and unregulated use of Unmanned Aircraft Systems
3 (UAS) has created a potential risk to people and property in
4 Hawaii. In creating the FAA 2018 Reauthorization Act, P.L. 115-
5 254, Congress has recognized safety and other concerns,
6 including privacy protection, unauthorized operation, illegal
7 use over wildfires, use in law enforcement, electronic self-
8 identification of UAS, and stiff penalties for interfering with
9 public safety. Congress has directed the Federal Aviation
10 Administration (FAA) and Department of Transportation Inspector
11 General to assess and report on these issues, in order to
12 develop guidance for Compliance Best Practices at a national
13 level.

14 While federal action will establish uniform regulation of
15 these issues and preempt the need for equivalent state or local
16 UAS registration and operating law, the purpose of this Act is
17 to create laws in Hawaii to enable state law enforcement to



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1 protect the public's well-being and peace of mind from
2 unauthorized use of unmanned aircraft operators as deadly
3 weapons or a hazard to the public health.

4 SECTION 2. Section 711-1100, Hawaii Revised Statutes, is
5 amended by adding four new definitions to be appropriately
6 designated and to read as follows:

7 "Aircraft" shall have the same meaning as in section 261-
8 1.

9 "Public unmanned aircraft system" means an unmanned
10 aircraft system that meets the qualifications and conditions
11 required for operation of a public aircraft as defined in title
12 49 United States Code section 40102(a)(41).

13 "Unmanned aircraft" means an aircraft that is operated
14 without the possibility of direct human intervention from within
15 or on the aircraft.

16 "Unmanned aircraft system" means an unmanned aircraft and
17 associated elements, including communication links and the
18 components that control the unmanned aircraft, that are required
19 for the pilot in command to operate safely and efficiently in
20 the national airspace system."



1 SECTION 3. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding four new sections to be appropriately
3 designated and to read as follows:

4 "§711- Unauthorized use of unmanned aircraft system in
5 the first degree. (1) A person commits the offense of
6 unauthorized use of unmanned aircraft system in the first degree
7 if the person intentionally or knowingly:

8 (a) Equips, alters, or attaches an unmanned aircraft
9 with a dangerous or deadly weapon or deploys an
10 unmanned aircraft that is equipped with a
11 dangerous or deadly weapon; or
12 (b) Operates an unmanned aircraft with the intent to
13 use the unmanned aircraft or anything attached to
14 it to cause harm to a person or property.

15 (2) For purposes of this section "dangerous or deadly
16 weapon" shall have the same meaning as in section 134-51.

17 (3) Unauthorized use of unmanned aircraft system in the
18 first degree is a misdemeanor.

19 §711- Unauthorized use of unmanned aircraft system in
20 the second degree. (1) A person commits the offense of



1 unauthorized use of unmanned aircraft system in the second
2 degree if the person intentionally or knowingly:

3 (a) Operates an unmanned aircraft in a manner that
4 creates a hazardous or physically offensive
5 condition;

6 (b) Operates an unmanned aircraft in violation of any
7 other state law; or

8 (c) In a reckless or careless manner.

9 (2) Unauthorized use of unmanned aircraft in the second
10 degree is a petty misdemeanor.

11 §711- Unauthorized use of unmanned aircraft system in
12 the third degree. (1) A person commits the offense of
13 unauthorized use of unmanned aircraft system in the third degree
14 if the person recklessly operates an unmanned aircraft. In any
15 proceeding charging reckless operation of an unmanned aircraft
16 system, the court in determining whether the operation was
17 reckless shall consider the standards for safe operation of an
18 unmanned aircraft prescribed in federal statutes or regulations
19 governing the use of unmanned aircraft systems.

20 (2) Unauthorized use of unmanned aircraft system in the
21 third degree is a petty misdemeanor if the defendant persists



1 after reasonable warning or request to desist. Otherwise
2 unauthorized use of unmanned aircraft in the third degree is a
3 violation.

4 §711- Compliance with applicable federal law. (1) All
5 unmanned aircraft systems operating in this State must comply
6 with requirements for operation set forth in title 14 Code of
7 Federal Regulations section 107 and P.L. 115-254.

8 (2) Nothing in this section shall be considered as
9 preempting any current or future federal legislation or
10 regulation regarding the use of unmanned aircraft vehicles. Any
11 portion of this section found in conflict with federal law shall
12 be considered preempted."

13 SECTION 4. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 5. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.



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1 SECTION 6. New statutory material is underscored.

2 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: Gregory T. Johnson / By Request
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Report Title:

Unmanned Aircraft Systems; Definitions; Violations

Description:

Defines unmanned aircraft systems. Establishes penalties for unauthorized use of unmanned aircrafts.

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