

JAN 18 2019

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# 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 and  
2 widespread use of unregulated unmanned aircraft systems has  
3 created a potential risk to people and property in Hawaii.  
4 Congress, in creating the FAA Reauthorization Act of 2018  
5 (Public Law 115-254), recognized these safety and other  
6 concerns, including privacy protection, reporting of  
7 unauthorized operation, illegal use over wildfires, enforcement,  
8 electronic self-identification of unmanned aircraft systems, and  
9 stiff penalties for interfering with public safety. Congress  
10 has directed the Federal Aviation Administration and the  
11 Department of Transportation Inspector General to assess and  
12 report on these issues, intending to develop guidance for  
13 compliance best practices at a national level.

14           While federal action will establish uniform responses to  
15 these issues and preempt the need for equivalent state or local  
16 unmanned aircraft systems registration and operating law, we  
17 believe it is necessary to create Hawaii law which enables



1 Hawaii law enforcement to protect the public, the public's well-  
2 being, and provide peace of mind against unauthorized operators.

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

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

10 (a) Equips, alters, or attaches an unmanned aircraft with  
11 a dangerous or deadly weapon or deploys an unmanned  
12 aircraft that is equipped with a dangerous or deadly  
13 weapon; or

14 (b) Operates an unmanned aircraft with the intent to use  
15 the unmanned aircraft or anything attached to it to  
16 cause harm to a person or property.

17 (2) For purposes of this section "dangerous or deadly  
18 weapon" shall include those items listed in section 134-51.

19 (3) Unauthorized use of unmanned aircraft in the first  
20 degree is a misdemeanor.



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1        §711-     Unauthorized use of unmanned aircraft in the  
2 second degree. (1) A person commits the offense of  
3 unauthorized use of unmanned aircraft in the second degree if  
4 the person intentionally or knowingly operates an unmanned  
5 aircraft:

6        (a) In a manner that creates a hazardous or physically  
7            offensive condition;

8        (b) In violation of any federal or state law; or

9        (c) In a reckless or careless manner.

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

12       §711-     Unauthorized use of unmanned aircraft in the third  
13 degree. (1) A person commits the offense of unauthorized use  
14 of unmanned aircraft in the third degree if the person  
15 recklessly operates an unmanned aircraft in violation of Federal  
16 Aviation Administration rules.

17       (2) Unauthorized use of unmanned aircraft in the third  
18 degree is a petty misdemeanor if the defendant persists after  
19 reasonable warning or request to desist. Otherwise,  
20 unauthorized use of unmanned aircraft in the third degree is a  
21 violation."



1 SECTION 3. Section 711-1100, Hawaii Revised Statutes, is  
2 amended by adding five new definitions to be appropriately  
3 inserted and to read as follows:

4 "Model aircraft" means an unmanned aircraft that is:

5 (1) Capable of sustained flight in the atmosphere;

6 (2) Flown within visual line of sight of the person  
7 operating the aircraft; and

8 (3) Flown for hobby or recreational purposes.

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).

13 "Small unmanned aircraft" means an unmanned aircraft  
14 weighing less than fifty-five pounds, including everything that  
15 is on board or otherwise attached to the aircraft.

16 "Unmanned aircraft" means an aircraft that is operated  
17 without the possibility of direct human intervention from within  
18 or on the aircraft.

19 "Unmanned aircraft system" means an unmanned aircraft and  
20 associated elements, including communication links and  
21 components that control the unmanned aircraft, that are required



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1 for the pilot in command to operate safely and efficiently in  
2 the national airspace."

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

6 SECTION 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Clarence K. Mushier



# S.B. NO. 622

**Report Title:**

Unauthorized Use of Unmanned Aircraft; Drones; Model Aircraft;  
Penalties

**Description:**

Defines terms relating to unmanned aircrafts. Establishes the offenses of unauthorized use of unmanned aircraft in the first, second, and third degree.

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

