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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 77
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 77's Bill Analysis](#)

Version: As Reported by Senate Transportation

Primary Sponsor: Rep. Willis

Local Impact Statement Procedure Required: No

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Highlights

- The bill's criminal prohibitions may generate a small number of additional misdemeanor and felony level cases for local criminal justice systems to adjudicate and sanction. For those charged with felonies and subsequently found guilty, the Department of Rehabilitation and Correction may experience a marginal increase in incarceration/supervision costs.
- The bill requires the Office of Aviation within the Department of Transportation to provide information and resources regarding unmanned aerial vehicle (UAV) usage. Any additional costs would be paid from the Highway Operating Fund (Fund 7002).
- The bill allows storage costs to be included among the costs which a person may include in a lien placed upon abandoned aircraft and makes other changes to the procedures for perfecting such a lien. Under current law, applicable courts of common pleas are responsible for enforcing such liens.
- The bill establishes the procedures for the disposal of a derelict aircraft, including how the proceeds of the disposal should be distributed. Under these provisions, there may be some negligible revenue gains for the Unclaimed Funds Trust Fund.
- The bill allows local governments (municipal corporations, townships, counties, and park districts) to adopt resolutions or regulations of UAV usage over public property owned by the local government.

Detailed Analysis

The bill regulates the use of unmanned aerial vehicles (UAVs) pertaining to locations of launch and landing, and privacy matters. The bill establishes several prohibitions related to UAV

usage, and related criminal penalties. The bill also requires the Office of Aviation within the Department of Transportation to provide additional resources pertaining to UAV usage and prohibitions.

Unmanned aerial vehicles

Criminal provisions

The bill creates several prohibitions related to the private use of a UAV, with penalties for a violation of those prohibitions ranging from an unclassified misdemeanor to a third degree felony, depending on circumstances present. As a result, state and local criminal justice systems may experience an increase in costs related to investigations, adjudicating additional cases, and sanctioning offenders.

Based on LBO conversations with statewide associations that represent various parts of the criminal justice system, including judges, prosecutors, and law enforcement, the number of additional cases generated by the bill is likely to be very small. The impact on the caseload and related expenditures for any given municipal or county court, or court of common pleas is expected to be no more than minimal annually. Similarly, any costs incurred by any given political subdivision or the Department of Rehabilitation and Correction to house or supervise a person sentenced for a violation of the bill's prohibitions is also likely to be no more than minimal annually.

The penalties for private use of a UAV, including maximum fines and potential terms of incarceration, are listed in the table below.

| Penalties for Private Use of a UAV Violations | | | |
|---|---|--|---|
| Prohibition | Offense Level | Fine | Term of Incarceration |
| Operating a UAV or UAV system to photograph, record, or loiter over or near a critical facility to purposely destroy or tamper with the facility. | Felony 3 rd Degree | Up to \$10,000 | 12, 18, 24, 30, 36, 42, 48, 54, or 60 months definite prison term |
| Knowingly operating a UAV in a manner that disrupts, interrupts, or impairs the operations or activities conducted by law enforcement personnel, fire department personnel, or emergency medical services personnel (certain exceptions may apply). | <ul style="list-style-type: none"> ▪ Misdemeanor 1st degree (first offense); ▪ Felony 5th Degree (second or subsequent offense) | <ul style="list-style-type: none"> ▪ Up to \$1,000 ▪ Up to \$2,500 | <ul style="list-style-type: none"> ▪ Jail, not more than 180 days ▪ 6, 7, 8, 9, 10, 11, or 12 months definite prison term |

| Penalties for Private Use of a UAV Violations | | | |
|---|---|--|---|
| Prohibition | Offense Level | Fine | Term of Incarceration |
| Operating a UAV or UAV system to photograph, record, or loiter over or near a critical facility in furtherance of another criminal offense, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to that person. | <ul style="list-style-type: none"> ▪ Misdemeanor 1st degree (first offense); ▪ Felony 5th Degree (second or subsequent offense) | <ul style="list-style-type: none"> ▪ Up to \$1,000 ▪ Up to \$2,500 | <ul style="list-style-type: none"> ▪ Jail, not more than 180 days ▪ 6, 7, 8, 9, 10, 11, or 12 months definite prison term |
| Recklessly operating a UAV in a manner that disrupts, interrupts, or impairs the operations or activities conducted by law enforcement personnel, fire department personnel, or emergency medical services personnel (certain exceptions may apply). | Misdemeanor 4 th Degree | Up to \$250 | Jail, not more than 30 days |
| Operating a UAV in a manner that knowingly endangers any person or property or purposely disregards the rights or safety of others. | Unclassified misdemeanor | Up to \$500 | Jail, not more than 6 months |

Office of Aviation

The bill requires the Office of Aviation within the Ohio Department of Transportation (ODOT) to provide information and resources on the Office's website regarding the laws, regulations, prohibitions, and proper use of UAVs and UAV systems. Under the bill, the Office must provide picture examples of critical facilities to guide users as to what cannot be recorded, photographed, or loitered on or near a facility. Pictures or written examples must not identify the owner, operator, or location of the critical facility. The Office would incur some minimal cost increases for collecting and publishing any such related information. These costs would be paid from the Highway Operating Fund (Fund 7002) through appropriation line item (ALI) 777475, Aviation Administration.

Local government provisions

The bill authorizes local governments, subject to federal and state laws and regulations, to adopt ordinances, resolutions, or regulations regarding: (1) the use and operating of a UAV by the local government, and (2) the private use and operation of a UAV exclusively for hobby and recreational use in or above a park or other public property owned by the local government. Local governments include municipal corporations, townships, counties, and park districts. There may also be a minimal increase in the annual criminal justice system costs of local governments

that choose to utilize their authority under the bill to adopt ordinances, resolutions, or regulations related to the private use of a UAV.

Abandoned aircraft liens

The bill makes various revisions to the law pertaining to placing liens on abandoned aircraft. Specifically, the bill allows for the inclusion of storage costs to be included in costs that may be included in a lien on an abandoned aircraft. The bill also specifies the notification procedures the director of a public use airport must undertake in order to perfect this lien (see LSC bill analysis). Current law, which is unchanged by the bill, specifies that the applicable county court of common pleas is responsible for enforcing these liens. It is unclear whether the notification process would impact the number of these liens initiated or perfected. Regardless, any associated cost increases or decreases from these provisions would appear to be negligible.

Disposal of derelict aircraft

The bill establishes the procedures for the disposal of a derelict aircraft, including notification processes similar to those established in the bill for perfecting liens. Once these procedures are followed, the director of a public use airport may sell the derelict aircraft at public auction or dispose of the aircraft through an aircraft salvage or scrap metal dealer. If the final price received for the aircraft is less than the amount of accrued fees and charges against the aircraft, the previous owner remains liable for the remaining portion, and the director may use methods available under current law to collect any remaining amounts owed.

If the final price received is more than the accrued fees and charges, the airport director must pay the excess proceeds to the following as applicable: (1) to any other known lienholders, according to the priority of the liens, (2) the owner of the aircraft, if the owner can be determined and located, and (3) the Director of Commerce, for deposit into the Unclaimed Funds Trust Fund. Any potential revenue collected by the Department of Commerce (COM) from this source is likely to be quite small in comparison to amounts from various other sources that are deposited into the Unclaimed Funds Trust Fund.