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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 485  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Holmes

Margaret E. Marcy, Attorney

### SUMMARY

#### Use of an unmanned aerial vehicle (UAV)

##### Private use prohibitions

- Prohibits a person from operating a UAV as follows:
  - In a careless or reckless manner that endangers any person or property, or with willful or wanton disregard to others' rights or safety;
  - If federal law or regulations prohibit its operation, unless the Federal Aviation Administration (FAA) has authorized the person to use the UAV;
  - In a manner that interferes with the operations or activities of law enforcement, fire departments, or emergency medical services; and
  - To photograph, record, or loiter over or near a critical facility in furtherance of any criminal offense.

##### Local government use and regulation

- Subject to other federal and state laws regarding UAVs, authorizes a municipal corporation, township, or county to adopt ordinances, resolutions, or regulations regarding both:
  - The use and operation of UAVs owned and operated by the local government; and
  - The use and operation of UAVs operated exclusively for hobby or recreational purposes in and above a park or other public property owned by the local government.

##### Office of Aviation responsibilities

- Requires the Office of Aviation to provide information and resources on the Office's website regarding the use of UAVs and regarding what constitutes a critical facility.

## DETAILED ANALYSIS

### Use of an unmanned aerial vehicle (UAV)

An unmanned aerial vehicle, or UAV (commonly known as a drone), is a powered, aerial vehicle to which all of the following apply:

- It does not carry a human operator and is operated without the possibility of direct human intervention either within or on the vehicle;
- It uses aerodynamic forces to provide lift;
- It can fly autonomously or be piloted remotely; and
- It is either expendable or recoverable.<sup>1</sup>

The use of UAVs and UAV systems, both for private and commercial use, has increased exponentially in recent years.<sup>2</sup> While federal laws, enforced by the Federal Aviation Administration (FAA), regulate the operational safety and licensing requirements for UAVs, state and local laws may regulate and control the locations to launch and land UAVs and other issues, such as privacy concerns.<sup>3</sup> The bill creates statewide regulations related to these issues for Ohio.

#### Private use prohibitions

The bill creates several prohibitions related to private use of a UAV. The prohibitions and related information regarding exceptions and penalties are in the following table.

Private use of UAV prohibitions		
Prohibition	Exception	Penalty
Operating a UAV in a careless or reckless manner that endangers any person or property or with willful or wanton disregard for other's rights or safety. <sup>4</sup>	None.	\$500 fine; and/or Up to six months imprisonment. <sup>5</sup>

<sup>1</sup> R.C. 4561.50(B).

<sup>2</sup> A UAV system includes the communication links and components that control the UAV and that are required for the remote pilot in command to operate the vehicle. R.C. 4561.50(C). "UAS by the Numbers." Federal Aviation Administration. Page modified January 24, 2022. [https://www.faa.gov/uas/resources/by\\_the\\_numbers/](https://www.faa.gov/uas/resources/by_the_numbers/). Accessed January 25, 2022.

<sup>3</sup> 49 United States Code 40103; "FAA Statement – Federal vs. Local Drone Authority." Issued July 20, 2018. <https://www.faa.gov/newsroom/faa-statement-federal-vs-local-drone-authority>. Accessed January 24, 2022.

<sup>4</sup> R.C. 4561.15(A)(2).

<sup>5</sup> R.C. 4561.15(C).

Private use of UAV prohibitions		
Prohibition	Exception	Penalty
Operating a UAV if federal law or federal regulations (including FAA regulations) prohibit that operation. <sup>6</sup>	This prohibition does not apply if the FAA expressly authorizes a person to operate the UAV in a manner that is otherwise contrary to the general law or regulations. However, the person must abide by the FAA's terms of the authorization. <sup>7</sup>	In addition to any federal penalties, a 1 <sup>st</sup> degree misdemeanor. <sup>8</sup>
Operating a UAV in a manner that interferes with the operations or activities conducted by law enforcement personnel, fire department personnel, or emergency medical services personnel. <sup>9</sup>	None.	1 <sup>st</sup> degree misdemeanor. <sup>10</sup>
Operating a UAV or UAV system to intentionally photograph, record, or loiter over or near a critical facility* <i>in furtherance of a criminal offense</i> . <sup>11</sup>	None. <sup>12</sup>	4 <sup>th</sup> degree felony for a first offense; 3 <sup>rd</sup> degree felony for a second or subsequent offense. <sup>13</sup>

\* For purposes of the bill, a "critical facility" means a critical infrastructure facility (e.g., major utilities, railroads, radio/tv transmission facilities, etc.), a commercial distribution center, a courthouse, a public safety or emergency operations facility, a jail or prison, a military installation or facility, or a hospital that receives air ambulance services.<sup>14</sup>

<sup>6</sup> R.C. 4561.51(A)(1).

<sup>7</sup> R.C. 4561.51(A)(2).

<sup>8</sup> R.C. 4561.51(D)(1).

<sup>9</sup> R.C. 4561.51(B).

<sup>10</sup> R.C. 4561.51(D)(1).

<sup>11</sup> R.C. 4561.51(C).

<sup>12</sup> It is worth noting that a person who photographs, records, or loiters near a critical infrastructure facility accidentally or for a noncriminal purpose will not be in violation of this prohibition.

<sup>13</sup> R.C. 4561.51(D)(2).

<sup>14</sup> R.C. 4561.50(A); R.C. 2911.21, not in the bill.

## Local government use and regulation

The bill authorizes local governments (a municipal corporation, township, or county), subject to federal and state laws and regulations, to adopt ordinances, resolutions, or regulations regarding both of the following:

- The use and operation of a UAV owned and operated by the local government; and
- The private use and operation of a UAV when a person operates the UAV exclusively for hobby or recreational purposes in or above a park or other public property owned by the local government.<sup>15</sup>

## Office of Aviation responsibilities

The bill requires the Office of Aviation, within the Department of Transportation, to provide information and resources on the Office's website regarding the laws, regulations, and proper use of UAVs and UAV systems. The information must pertain to all uses of a UAV, including public, commercial, and recreational use. Additionally, the Office must provide picture examples of critical facilities to help guide users as to what cannot be photographed, recorded, or loitered on or near a critical facility (in furtherance of a criminal offense). Any picture examples or written descriptions, however, cannot identify the owner, operator, or location of the critical facility.<sup>16</sup>

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## HISTORY

Action	Date
Introduced	11-09-21

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H0485-I-134/ar

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<sup>15</sup> R.C. 4561.52.

<sup>16</sup> R.C. 4561.53.