



SPONSOR: Rep. Mitchell & Sen. Ennis
Rep. Schwartzkopf

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 195

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO UNMANNED AIRCRAFT SYSTEMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1480. Unlawful use of an unmanned aircraft system; unclassified misdemeanor; class A misdemeanor; class G felony

(a) Definitions. – The following terms shall have the following meaning as used in this section.

(1) “unmanned aircraft system” means a powered, aerial vehicle that:

1. Does not carry a human operator;
2. Uses aerodynamic forces to provide vehicle lift;
3. Can fly autonomously or be piloted remotely; and
4. Can be expendable or recoverable.

(2) “Critical infrastructure” means petroleum refineries, petroleum storage facilities, chemical storage facilities, chemical manufacturing facilities, power plants, electric generation facilities, military facilities, commercial port and harbor facilities, rail yard facilities, drinking water treatment and/or storage facilities, government buildings and public safety buildings and/or facilities.

(b) No person shall operate, direct, or program an unmanned aircraft system to fly over any sporting event, concert, automobile race, festival or event at which more than 5000 people are in attendance, or critical infrastructure in the State of Delaware. However, this subsection shall not apply to an unmanned aircraft system used for law enforcement purposes and an unmanned aircraft system flying over property where written permission has been granted by the property owner.

(c) Unlawful use of an unmanned aircraft system is an unclassified misdemeanor for a first offense and a class A misdemeanor for a second or subsequent offense unless an injury to a person occurs as a result of a violation of this section or property damage occurs as a result of a violation of this section in which case unlawful use of an unmanned aircraft system is a class G felony.

SYNOPSIS

This bill creates the crime of unlawful use of an unmanned aircraft system. The bill prohibits unmanned aircraft systems from flying over sporting events, concerts, automobile races, festivals, and events at which more than 5000 people are in attendance and critical infrastructure in the State of Delaware. The penalty for the crime is an unclassified misdemeanor for a first offense and a class A misdemeanor for a second or subsequent offense unless injury occurs to a person or property damage occurs as a result of a violation in which case it is a Class G. Felony.