

As Reported by the House Transportation Committee

136th General Assembly

Regular Session

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Sub. H. B. No. 251

Representative Willis

Cosponsors: Representatives Deeter, Fischer, Holmes, Hiner, Newman

A BILL

To amend sections 4561.01 and 4561.11 and to enact
sections 4561.60, 4561.61, 4561.62, 4561.63, and
4561.64 of the Revised Code to establish
requirements related to the use of an unmanned
aerial vehicle by law enforcement and to
expressly incorporate additional aviation
facilities into the Aeronautics Law.

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

Section 1. That sections 4561.01 and 4561.11 be amended
and sections 4561.60, 4561.61, 4561.62, 4561.63, and 4561.64 of
the Revised Code be enacted to read as follows:

Sec. 4561.01. As used in sections 4561.01 to 4561.27 of
the Revised Code:

(A) "Aviation" means transportation by aircraft; operation
of aircraft; the establishment, operation, maintenance, repair,
and improvement of airports, seaplane bases, heliports,
vertiports, spaceports, landing fields, and other air navigation
facilities; and all other activities connected therewith or
incidental thereto.

(B) "Aircraft" means any manned device used or intended 19
for flight in the air. "Aircraft" does not include an ultralight 20
vehicle as defined by 14 C.F.R. part 103. 21

(C) "Airport" means any location either on land or water 22
which is used for the landing and taking off of aircraft. 23

(D) "Landing field" means any location either on land or 24
water of such size and nature as to permit the landing or taking 25
off of aircraft with safety, and used for that purpose but not 26
equipped to provide for the shelter, supply, or care of 27
aircraft. 28

(E) "Air navigation facility" means any facility used, 29
available for use, or designed for use in aid of navigation of 30
aircraft, including airports, landing fields, facilities for the 31
servicing of aircraft or for the comfort and accommodation of 32
air travelers, and any structures, mechanisms, lights, beacons, 33
marks, communicating systems, or other instrumentalities or 34
devices used or useful as an aid to the safe taking off, 35
navigation, and landing of aircraft, or to the safe and 36
efficient operation or maintenance of an airport or landing 37
field, and any combination of such facilities. 38

(F) "Air navigation hazard" means any structure, object of 39
natural growth, or use of land, that obstructs the air space 40
required for the flight of aircraft in landing or taking off at 41
any airport or landing field, or that otherwise is hazardous to 42
such landing or taking off. 43

(G) "Air navigation," "navigation of aircraft," or 44
"navigate aircraft" means the operation of aircraft in the air 45
space over this state. 46

(H) "Airperson" means any individual who, as the person in 47

command, or as pilot, mechanic, or member of the crew, engages 48
in the navigation of aircraft. 49

(I) "Airway" means a route in the air space over and above 50
the lands or waters of this state, designated by the Ohio 51
aviation board as a route suitable for the navigation of 52
aircraft. 53

(J) "Person" means any individual, firm, partnership, 54
corporation, company, association, joint stock association, or 55
body politic, and includes any trustee, receiver, assignee, or 56
other similar representative thereof. 57

(K) "Government agency" means a state agency, state 58
institution of higher education, regional port authority, or any 59
other political subdivision of the state, or the federal 60
government or other states. 61

(L) "Heliport" means the area of land, water, or a 62
structure that is used or intended to be used for the landing 63
and takeoff of helicopters, including any appurtenant buildings 64
and facilities. 65

(M) "Vertiport" means the identifiable ground or elevated 66
areas, including the facilities thereon, that are designed to be 67
used for the landing and takeoff of rotorcraft, tilt-rotor 68
aircraft, or other powered lift aircraft. 69

(N) "Spaceport" means any facility in the state at which 70
space vehicles may be landed or launched, including all 71
facilities and support infrastructure related to the launch, 72
landing, and payload processing. 73

(O) "Seaplane base" means a designated area of water used 74
or intended to be used for the landing and takeoff of seaplanes 75
including shore side access and any appurtenant buildings and 76

facilities. 77

Sec. 4561.11. (A) All airports, seaplane bases, heliports, 78
vertiports, spaceports, landing fields, and landing areas shall 79
be approved by the department of transportation before being 80
used for commercial purposes. The department may issue a 81
certificate of approval in each case. The department shall 82
require that a complete plan of such airport, seaplane base, 83
heliport, vertiport, spaceport, landing field, or landing area 84
be filed with it before granting or issuing such approval; 85
provided that in no case in which the department licenses or 86
certifies an airport, seaplane base, heliport, vertiport, 87
spaceport, landing field, or landing area constructed, 88
maintained, or supported, in whole or in part, by public funds, 89
under sections 4561.01 to 4561.151 of the Revised Code, shall 90
the public be deprived of the use thereof or its facilities for 91
aviation purposes as fully and equally as all other parties. 92

(B) In any case in which the department rejects or 93
disapproves an application to operate an airport, seaplane base, 94
heliport, vertiport, spaceport, landing field, or landing area, 95
or in any case in which the department issues an order requiring 96
certain things to be done before approval, it shall set forth 97
its reasons therefor and shall state the requirements to be met 98
before such approval will be given or such order modified or 99
changed. In any case in which the department considers it 100
necessary, it may order the closing of any airport, seaplane 101
base, heliport, vertiport, spaceport, landing field, or landing 102
area for commercial purposes until the requirements of the order 103
made by the department are complied with. 104

(C) Appeal from any action or decision of the department 105
in any such matter shall be made in accordance with sections 106

119.01 to 119.13 of the Revised Code. 107

(D) (1) The department shall require that any person 108
engaged within this state in operating aircraft, in any form of 109
navigation, shall be the holder of a currently effective 110
aviator's license as required and issued by the civil- 111
aeronautics administration federal aviation administration. 112

(2) The aviator's license, when required by this section, 113
shall be kept in the personal possession of the pilot when the 114
pilot is operating aircraft within this state, and shall be 115
presented for inspection upon the request of any passenger, any 116
authorized representative of the department, or any official 117
manager or person in charge of any airport, seaplane base, 118
heliport, vertiport, spaceport, landing field, or area in this 119
state upon which the pilot lands. 120

~~(B)~~ (E) Whoever violates this section shall be fined not 121
more than five hundred dollars, imprisoned not more than ninety 122
days, or both. 123

Sec. 4561.60. As used in sections 4561.60 to 4561.64 of 124
the Revised Code: 125

(A) "Surveillance data" means the data collected by an 126
unmanned aerial vehicle during its flight, including images, 127
videos, or other forms of observation recording. 128

(B) "Flight data" means the data pertaining to an unmanned 129
aerial vehicle's flight from both the original plan for the 130
flight and the actual flight that was taken, including the 131
flight's duration, path, and mission objectives. 132

(C) "Law enforcement agency" means a government entity 133
that employs peace officers to perform law enforcement duties. 134

(D) "Peace officer" has the same meaning as in section 135
2935.01 of the Revised Code. 136

(E) "Unmanned aerial vehicle" and "unmanned aerial vehicle 137
system" have the same meanings as in section 4561.50 of the 138
Revised Code. 139

Sec. 4561.61. (A) If a peace officer would otherwise be 140
required to obtain a search warrant to physically enter a house 141
or a place in person to conduct a search, the peace officer or 142
applicable law enforcement agency shall obtain a search warrant 143
to do either of the following to collect surveillance data 144
concerning the house or place in lieu of the in-person search: 145

(1) Enter the interior of the house or place through the 146
use of an unmanned aerial vehicle system; 147

(2) Observe the interior of the house or place through the 148
use of an unmanned aerial vehicle system. 149

(B) (1) Except as provided in division (B) (2) of this 150
section, surveillance data, and any information obtained through 151
that data, is not admissible in a criminal proceeding if it was 152
gathered under circumstances that require a search warrant under 153
division (A) of this section and a search warrant was not 154
obtained by either the peace officer or the law enforcement 155
agency. 156

(2) Surveillance data, and any information obtained 157
through that data, that was gathered under the circumstances 158
specified in section 4561.62 of the Revised Code may be admitted 159
in a criminal proceeding without a peace officer or law 160
enforcement agency obtaining a search warrant. 161

Sec. 4561.62. A law enforcement agency may use an unmanned 162
aerial vehicle for surveillance without a search warrant as 163

follows: 164

(A) To patrol within fifty miles of a national border for 165
purposes of policing that border to prevent or deter the illegal 166
entry of any individual, illegal substance, or contraband; 167

(B) When exigent circumstances exist; 168

(C) Before, during, or immediately after an environmental 169
or weather-related catastrophe to allow the agency to better 170
preserve public safety, to protect property, to survey 171
environmental damage in order to determine if a state of 172
emergency should be declared, or to conduct surveillance for the 173
assessment and evaluation of damage, erosion, flood, or 174
contamination; 175

(D) To examine the scene of a vehicle accident, monitor 176
traffic congestion, or conduct other forms of traffic law 177
enforcement under Chapter 4511. or 4513. of the Revised Code or 178
an equivalent municipal ordinance that does not require a peace 179
officer to obtain a search warrant in advance of conducting such 180
enforcement; 181

(E) To photograph and record evidence at a crime scene; 182

(F) To operate in navigable airspace, in a physically 183
nonintrusive manner, in order to observe what is otherwise 184
visible to the naked eye; 185

(G) For research, education, training, testing, or 186
development efforts related to unmanned aerial vehicles or 187
unmanned aerial vehicle systems, their technologies, and their 188
potential applications, undertaken by or in conjunction with a 189
school, an institution of higher education, or a public or 190
private collaborator. 191

Sec. 4561.63. (A) A law enforcement agency shall not use, 192
authorize the use of, or issue a permit for the use of, an 193
unmanned aerial vehicle armed with any lethal weapon. 194

(B) A law enforcement agency shall not authorize the use 195
of or issue a permit for the use of an unmanned aerial vehicle 196
for the surveillance of one private individual by another 197
private individual unless the agency obtains one of the 198
following: 199

(1) The express, informed consent of the individual being 200
surveilled by the unmanned aerial vehicle; 201

(2) The express, informed consent of the owner of the real 202
property on which the individual being surveilled by the 203
unmanned aerial vehicle is present. 204

Sec. 4561.64. (A) A law enforcement agency shall do both 205
of the following relative to its use of unmanned aerial 206
vehicles: 207

(1) Ensure that the agency and any applicable peace 208
officer employed by the agency documents all flight data for 209
each surveillance flight of an unmanned aerial vehicle taken by 210
or on behalf of the agency; 211

(2) Verify that the flight data for each surveillance 212
flight is accurate and complete. 213

(B) A law enforcement agency shall retain any surveillance 214
data or flight data that is relevant to an ongoing 215
investigation, trial, or litigation until it is determined that 216
such data is no longer necessary for that purpose. 217

(C) (1) Except as provided by division (C) (2) of this 218
section, a person accused of a crime that includes evidence 219

gathered through the use of an unmanned aerial vehicle may 220
obtain, via the subpoena and discovery process available during 221
court proceedings, information relating to that person acquired 222
in the course of surveillance of that person by the unmanned 223
aerial vehicle. 224

(2) The operational capabilities of the unmanned aerial 225
vehicle and unmanned aerial vehicle system or other operational 226
information strictly related to the technical conduct and 227
physical security of the surveillance operation is not evidence 228
subject to subpoena or discovery under division (C) (1) of this 229
section. 230

(D) The flight and surveillance data required and retained 231
in accordance with this section is a public record for purposes 232
of section 149.43 of the Revised Code, unless the content of 233
that flight data or surveillance data qualifies for an exemption 234
under that section. 235

Section 2. That existing sections 4561.01 and 4561.11 of 236
the Revised Code are hereby repealed. 237