

As Introduced

135th General Assembly

Regular Session

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H. B. No. 77

Representative Willis

Cosponsors: Representatives Seitz, Brennan, Holmes, Young, T.



A BILL

To amend section 4561.15 and to enact sections 1
4561.50, 4561.51, 4561.52, and 4561.53 of the 2
Revised Code to establish requirements and 3
prohibitions governing the operation of unmanned 4
aerial vehicles in Ohio. 5

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

Section 1. That section 4561.15 be amended and sections 6
4561.50, 4561.51, 4561.52, and 4561.53 of the Revised Code be 7
enacted to read as follows: 8

Sec. 4561.15. (A) No person shall commit any of the 9
following acts: 10

(1) Carry passengers in an aircraft unless the person 11
piloting the aircraft is a holder of a valid airperson's 12
certificate of competency issued by the United States that 13
authorizes the holder to carry passengers and the person is 14
carrying any passenger in accordance with the applicable 15
certificate requirements; this division of this section is 16
inapplicable to the operation of military aircraft of the United 17
States, aircraft of a state, territory, or possession of the 18

United States, or aircraft licensed by a foreign country with 19
which the United States has a reciprocal agreement covering the 20
operation of such aircraft; 21

(2) Operate an aircraft or an unmanned aerial vehicle, as 22
defined in section 4561.50 of the Revised Code, on the land or 23
water or in the air space over this state in a careless or 24
reckless manner that endangers any person or property, or with 25
willful or wanton disregard for the rights or safety of others; 26

(3) Operate an aircraft on the land or water or in the air 27
space over this state while under the influence of intoxicating 28
liquor, controlled substances, or other habit-forming drugs; 29

(4) Tamper with, alter, destroy, remove, carry away, or 30
cause to be carried away any object used for the marking of 31
airports, landing fields, or other aeronautical facilities in 32
this state, or in any way change the position or location of 33
such markings, except by the direction of the proper authorities 34
charged with the maintenance and operation of such facilities, 35
or illegally possess any object used for such markings. 36

(B) Jurisdiction over any proceedings charging a violation 37
of this section is limited to courts of record. 38

(C) Whoever violates this section shall be fined not more 39
than five hundred dollars, imprisoned not more than six months, 40
or both. 41

Sec. 4561.50. As used in sections 4561.50 to 4561.53 of 42
the Revised Code: 43

(A) "Critical facility" means any of the following: 44

(1) A critical infrastructure facility as defined in 45
section 2911.21 of the Revised Code; 46

<u>(2) A commercial distribution center;</u>	47
<u>(3) A federal, state, county, or municipal court;</u>	48
<u>(4) A public safety or emergency operations facility;</u>	49
<u>(5) A federal, state, county, or municipal jail or prison or any other facility in which persons are incarcerated;</u>	50 51
<u>(6) A federal or state military installation or facility;</u>	52
<u>(7) A hospital that receives air ambulance services.</u>	53
<u>(B) "Unmanned aerial vehicle" means a powered, aerial vehicle to which all of the following apply:</u>	54 55
<u>(1) The vehicle does not carry a human operator and is operated without the possibility of direct human intervention from within or on the vehicle;</u>	56 57 58
<u>(2) The vehicle uses aerodynamic forces to provide lift;</u>	59
<u>(3) The vehicle can fly autonomously or be piloted remotely;</u>	60 61
<u>(4) The vehicle is either expendable or recoverable.</u>	62
<u>"Unmanned aerial vehicle" is commonly referred to as a drone and does not include a satellite.</u>	63 64
<u>(C) "Unmanned aerial vehicle system" means an unmanned aerial vehicle and associated elements, including communication links and components that control the unmanned aerial vehicle and that are required for the remote pilot in command to operate the vehicle in the air space over this state.</u>	65 66 67 68 69
Sec. 4561.51. <u>(A) (1) Except as provided in division (A) (2) of this section, no person shall operate an unmanned aerial vehicle in the air space over this state if the operation is</u>	70 71 72

prohibited by either federal law or federal regulations, 73
including any federal aviation administration regulations. 74

(2) Division (A) (1) of this section does not apply to a 75
person authorized by the federal aviation administration to 76
operate an unmanned aerial vehicle in a manner that otherwise 77
violates the federal law or regulations, provided that person's 78
operation of the unmanned aerial vehicle complies with the terms 79
of the administration's authorization. 80

(B) No person shall operate an unmanned aerial vehicle in 81
a manner that interferes with operations or activities conducted 82
by law enforcement personnel, fire department personnel, or 83
emergency medical services personnel while such personnel is on 84
duty. 85

(C) No person shall operate an unmanned aerial vehicle or 86
an unmanned aerial vehicle system to intentionally photograph, 87
record, or loiter over or near a critical facility in 88
furtherance of any criminal offense. 89

(D) (1) Whoever violates division (A) or (B) of this 90
section is guilty of a first degree misdemeanor. 91

(2) Whoever violates division (C) of this section is 92
guilty of a fourth degree felony on the first offense and a 93
third degree felony on subsequent offenses. 94

(3) The offenses established under this section are strict 95
liability offenses and section 2901.20 of the Revised Code does 96
not apply. The designation of these offenses as strict liability 97
offenses shall not be construed to imply that any other offense, 98
for which there is no specified degree of culpability, is not a 99
strict liability offense. 100

Sec. 4561.52. Subject to sections 4561.50 to 4561.53 of 101

the Revised Code, a municipal corporation, township, or county 102
may adopt ordinances, resolutions, or regulations, as 103
applicable, regarding both of the following: 104

(A) The use and operation of an unmanned aerial vehicle 105
owned and operated by the municipal corporation, township, or 106
county; 107

(B) The use and operation of an unmanned aerial vehicle 108
that is operated exclusively for hobby or recreational purposes 109
in or above a park or on other public property owned by the 110
municipal corporation, township, or county. 111

Sec. 4561.53. (A) The department of transportation's 112
office of aviation shall provide information and resources on 113
the office's web site regarding the laws, regulations, and 114
proper use of an unmanned aerial vehicle and unmanned aerial 115
vehicle system. The information shall pertain to public, 116
commercial, and recreational use of an unmanned aerial vehicle. 117

(B) The office shall provide picture examples of a 118
critical facility on the office's web site. The pictures and any 119
related information provided are designed to provide unmanned 120
aerial vehicle operators guidelines on what is considered a 121
critical facility. Any picture or written description shall not 122
identify the owner, operator, or location of the critical 123
facility. 124

Section 2. That existing section 4561.15 of the Revised 125
Code is hereby repealed. 126