

By: Geren

H.B. No. 1302

A BILL TO BE ENTITLED

1 AN ACT
2 relating to inspections and examinations by the Railroad Commission
3 of Texas of certain sites and facilities conducted using unmanned
4 aircraft.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 423.002(a), Government Code, is amended
7 to read as follows:

8 (a) It is lawful to capture an image using an unmanned
9 aircraft in this state:

10 (1) for the purpose of professional or scholarly
11 research and development or for another academic purpose by a
12 person acting on behalf of an institution of higher education or a
13 private or independent institution of higher education, as those
14 terms are defined by Section 61.003, Education Code, including a
15 person who:

16 (A) is a professor, employee, or student of the
17 institution; or

18 (B) is under contract with or otherwise acting
19 under the direction or on behalf of the institution;

20 (2) in airspace designated as a test site or range
21 authorized by the Federal Aviation Administration for the purpose
22 of integrating unmanned aircraft systems into the national
23 airspace;

24 (3) as part of an operation, exercise, or mission of

1 any branch of the United States military;

2 (4) if the image is captured by a satellite for the
3 purposes of mapping;

4 (5) if the image is captured by or for an electric or
5 natural gas utility or a telecommunications provider:

6 (A) for operations and maintenance of utility or
7 telecommunications facilities for the purpose of maintaining
8 utility or telecommunications system reliability and integrity;

9 (B) for inspecting utility or telecommunications
10 facilities to determine repair, maintenance, or replacement needs
11 during and after construction of such facilities;

12 (C) for assessing vegetation growth for the
13 purpose of maintaining clearances on utility or telecommunications
14 easements; and

15 (D) for utility or telecommunications facility
16 routing and siting for the purpose of providing utility or
17 telecommunications service;

18 (6) with the consent of the individual who owns or
19 lawfully occupies the real property captured in the image;

20 (7) pursuant to a valid search or arrest warrant;

21 (8) if the image is captured by a law enforcement
22 authority or a person who is under contract with or otherwise acting
23 under the direction or on behalf of a law enforcement authority:

24 (A) in immediate pursuit of a person law
25 enforcement officers have reasonable suspicion or probable cause to
26 suspect has committed an offense, not including misdemeanors or
27 offenses punishable by a fine only;

1 (B) for the purpose of documenting a crime scene
2 where an offense, not including misdemeanors or offenses punishable
3 by a fine only, has been committed;

4 (C) for the purpose of investigating the scene
5 of:

6 (i) a human fatality;

7 (ii) a motor vehicle accident causing death
8 or serious bodily injury to a person; or

9 (iii) any motor vehicle accident on a state
10 highway or federal interstate or highway;

11 (D) in connection with the search for a missing
12 person;

13 (E) for the purpose of conducting a high-risk
14 tactical operation that poses a threat to human life;

15 (F) of private property that is generally open to
16 the public where the property owner consents to law enforcement
17 public safety responsibilities; or

18 (G) of real property or a person on real property
19 that is within 25 miles of the United States border for the sole
20 purpose of ensuring border security;

21 (9) if the image is captured by state or local law
22 enforcement authorities, or a person who is under contract with or
23 otherwise acting under the direction or on behalf of state
24 authorities, for the purpose of:

25 (A) surveying the scene of a catastrophe or other
26 damage to determine whether a state of emergency should be
27 declared;

1 (B) preserving public safety, protecting
2 property, or surveying damage or contamination during a lawfully
3 declared state of emergency; or

4 (C) conducting routine air quality sampling and
5 monitoring, as provided by state or local law;

6 (10) at the scene of a spill, or a suspected spill, of
7 hazardous materials;

8 (11) for the purpose of fire suppression;

9 (12) for the purpose of rescuing a person whose life or
10 well-being is in imminent danger;

11 (13) if the image is captured by a Texas licensed real
12 estate broker in connection with the marketing, sale, or financing
13 of real property, provided that no individual is identifiable in
14 the image;

15 (14) from a height no more than eight feet above ground
16 level in a public place, if the image was captured without using any
17 electronic, mechanical, or other means to amplify the image beyond
18 normal human perception;

19 (15) of public real property or a person on that
20 property;

21 (16) if the image is captured by the owner or operator
22 of an oil, gas, water, or other pipeline for the purpose of
23 inspecting, maintaining, or repairing pipelines or other related
24 facilities, and is captured without the intent to conduct
25 surveillance on an individual or real property located in this
26 state;

27 (17) in connection with oil pipeline safety and rig

1 protection;

2 (18) in connection with port authority surveillance
3 and security;

4 (19) if the image is captured by a registered
5 professional land surveyor in connection with the practice of
6 professional surveying, as those terms are defined by Section
7 1071.002, Occupations Code, provided that no individual is
8 identifiable in the image;

9 (20) if the image is captured by a professional
10 engineer licensed under Subchapter G, Chapter 1001, Occupations
11 Code, in connection with the practice of engineering, as defined by
12 Section 1001.003, Occupations Code, provided that no individual is
13 identifiable in the image; [~~or~~]

14 (21) if:

15 (A) the image is captured by an employee of an
16 insurance company or of an affiliate of the company in connection
17 with the underwriting of an insurance policy, or the rating or
18 adjusting of an insurance claim, regarding real property or a
19 structure on real property; and

20 (B) the operator of the unmanned aircraft is
21 authorized by the Federal Aviation Administration to conduct
22 operations within the airspace from which the image is captured; or

23 (22) if the image is captured by the Railroad
24 Commission of Texas or an agent, servant, or employee of the
25 commission in connection with the inspection and examination of:

26 (A) an oil or gas site or facility, including a
27 well, tank, or disposal or injection site;

1 (B) a pipeline facility; or

2 (C) a surface mining site.

3 SECTION 2. Section 88.091, Natural Resources Code, is
4 amended to read as follows:

5 Sec. 88.091. ACCESS TO PROPERTY AND RECORDS. The
6 governmental agency shall have access at all times to:

7 (1) the oil property of all persons for inspection and
8 examination, including for inspection and examination by unmanned
9 aircraft; and

10 (2) the records of all these persons for inspection,
11 examination, and audit.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.