

AN ACT

relating to the use of unmanned aircraft by the Texas military forces.

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

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

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

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

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

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

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

(3) as part of an operation, exercise, or mission of any branch of:

1 (A) the United States military; or

2 (B) the Texas military forces as defined by
3 Section 437.001;

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

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

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

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

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

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

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

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

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

26 (A) in immediate pursuit of a person law
27 enforcement officers have reasonable suspicion or probable cause to

1 suspect has committed an offense, not including misdemeanors or
2 offenses punishable by a fine only;

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

6 (C) for the purpose of investigating the scene
7 of:

8 (i) a human fatality;

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

11 (iii) any motor vehicle accident on a state
12 highway or federal interstate or highway;

13 (D) in connection with the search for a missing
14 person;

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

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

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

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

27 (A) surveying the scene of a catastrophe or other

1 damage to determine whether a state of emergency should be
2 declared;

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

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

8 (10) at the scene of a spill, or a suspected spill, of
9 hazardous materials;

10 (11) for the purpose of fire suppression;

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

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

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

21 (15) of public real property or a person on that
22 property;

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

1 state;

2 (17) in connection with oil pipeline safety and rig
3 protection;

4 (18) in connection with port authority surveillance
5 and security;

6 (19) if the image is captured by a registered
7 professional land surveyor in connection with the practice of
8 professional surveying, as those terms are defined by Section
9 1071.002, Occupations Code, provided that no individual is
10 identifiable in the image;

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

16 (21) if:

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

22 (B) the operator of the unmanned aircraft is
23 authorized by the Federal Aviation Administration to conduct
24 operations within the airspace from which the image is captured.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 423 passed the Senate on April 12, 2023, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 4, 2023, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 423 passed the House, with amendment, on April 26, 2023, by the following vote: Yeas 142, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor