

By: Geren

H.B. No. 1285

A BILL TO BE ENTITLED

AN ACT

relating to inspections and examinations by the Railroad Commission of Texas of certain sites and facilities conducted using unmanned aircraft.

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

1 any branch of:

2 (A) the United States military; or

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

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

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

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

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

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

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

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

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

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

27 (A) in immediate pursuit of a person law

1 enforcement officers have reasonable suspicion or probable cause to
2 suspect has committed an offense, not including misdemeanors or
3 offenses punishable by a fine only;

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

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

9 (i) a human fatality;

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

12 (iii) any motor vehicle collision on a
13 state highway or federal interstate or highway;

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

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

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

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

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

1 (A) surveying the scene of a catastrophe or other
2 damage to determine whether a state of emergency should be
3 declared;

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

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

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

11 (11) for the purpose of fire suppression;

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

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

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

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

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

1 surveillance on an individual or real property located in this
2 state;

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

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

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

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

17 (21) if:

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

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

26 (22) if the image is captured by the Railroad
27 Commission of Texas or an agent, servant, or employee of the

1 commission in connection with the inspection and examination of:

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

4 (B) a pipeline facility; or

5 (C) a surface mining site.

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

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

10 (1) the oil property of all persons for inspection and
11 examination, including for inspection and examination by unmanned
12 aircraft; and

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

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2025.