

AN ACT

relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.

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

SECTION 1. Chapter 423, Government Code, is amended by adding Section 423.0045 to read as follows:

Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER CRITICAL INFRASTRUCTURE FACILITY. (a) In this section:

(1) "Critical infrastructure facility" means:

(A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

(i) a petroleum or alumina refinery;

(ii) an electrical power generating facility, substation, switching station, or electrical control center;

(iii) a chemical, polymer, or rubber manufacturing facility;

(iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v) a natural gas compressor station;

(vi) a liquid natural gas terminal or

1 storage facility;

2 (vii) a telecommunications central
3 switching office;

4 (viii) a port, railroad switching yard,
5 trucking terminal, or other freight transportation facility;

6 (ix) a gas processing plant, including a
7 plant used in the processing, treatment, or fractionation of
8 natural gas;

9 (x) a transmission facility used by a
10 federally licensed radio or television station;

11 (xi) a steelmaking facility that uses an
12 electric arc furnace to make steel; or

13 (xii) a dam that is classified as a high
14 hazard by the Texas Commission on Environmental Quality; or

15 (B) any portion of an aboveground oil, gas, or
16 chemical pipeline that is enclosed by a fence or other physical
17 barrier that is obviously designed to exclude intruders.

18 (2) "Dam" means any barrier, including any appurtenant
19 structures, that is constructed for the purpose of permanently or
20 temporarily impounding water.

21 (b) A person commits an offense if the person intentionally
22 or knowingly:

23 (1) operates an unmanned aircraft over a critical
24 infrastructure facility and the unmanned aircraft is not higher
25 than 400 feet above ground level;

26 (2) allows an unmanned aircraft to make contact with a
27 critical infrastructure facility, including any person or object on

1 the premises of or within the facility; or

2 (3) allows an unmanned aircraft to come within a
3 distance of a critical infrastructure facility that is close enough
4 to interfere with the operations of or cause a disturbance to the
5 facility.

6 (c) This section does not apply to conduct described by
7 Subsection (b) that is committed by:

8 (1) the federal government, the state, or a
9 governmental entity;

10 (2) a person under contract with or otherwise acting
11 under the direction or on behalf of the federal government, the
12 state, or a governmental entity;

13 (3) a law enforcement agency;

14 (4) a person under contract with or otherwise acting
15 under the direction or on behalf of a law enforcement agency;

16 (5) an owner or operator of the critical
17 infrastructure facility;

18 (6) a person under contract with or otherwise acting
19 under the direction or on behalf of an owner or operator of the
20 critical infrastructure facility;

21 (7) a person who has the prior written consent of the
22 owner or operator of the critical infrastructure facility;

23 (8) the owner or occupant of the property on which the
24 critical infrastructure facility is located or a person who has the
25 prior written consent of the owner or occupant of that property; or

26 (9) an operator of an unmanned aircraft that is being
27 used for a commercial purpose, if the operator is authorized by the

1 Federal Aviation Administration to conduct operations over that
2 airspace.

3 (d) An offense under this section is a Class B misdemeanor,
4 except that the offense is a Class A misdemeanor if the actor has
5 previously been convicted under this section.

6 SECTION 2. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 1481 was passed by the House on May 8, 2015, by the following vote: Yeas 140, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1481 on May 27, 2015, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1481 was passed by the Senate, with amendments, on May 24, 2015, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor