

By: Smith

H.B. No. 2167

Substitute the following for H.B. No. 2167:

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C.S.H.B. No. 2167

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain images captured by an unmanned aircraft.

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

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

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

8 (1) for purposes of professional or scholarly research  
9 and development by a person acting on behalf of an institution of  
10 higher education or a private or independent institution of higher  
11 education, as those terms are defined by Section 61.003, Education  
12 Code, including a person who:

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

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

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

21 (3) as part of an operation, exercise, or mission of  
22 any branch of the United States military;

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

1           (5) if the image is captured by or for an electric or  
2 natural gas utility:

3           (A) for operations and maintenance of utility  
4 facilities for the purpose of maintaining utility system  
5 reliability and integrity;

6           (B) for inspecting utility facilities to  
7 determine repair, maintenance, or replacement needs during and  
8 after construction of such facilities;

9           (C) for assessing vegetation growth for the  
10 purpose of maintaining clearances on utility easements; and

11           (D) for utility facility routing and siting for  
12 the purpose of providing utility service;

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

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

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

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

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

26           (C) for the purpose of investigating the scene  
27 of:

- 1 (i) a human fatality;
- 2 (ii) a motor vehicle accident causing death  
3 or serious bodily injury to a person; or
- 4 (iii) any motor vehicle accident on a state  
5 highway or federal interstate or highway;
- 6 (D) in connection with the search for a missing  
7 person;
- 8 (E) for the purpose of conducting a high-risk  
9 tactical operation that poses a threat to human life; or
- 10 (F) of private property that is generally open to  
11 the public where the property owner consents to law enforcement  
12 public safety responsibilities;
- 13 (9) if the image is captured by state or local law  
14 enforcement authorities, or a person who is under contract with or  
15 otherwise acting under the direction or on behalf of state  
16 authorities, for the purpose of:
- 17 (A) surveying the scene of a catastrophe or other  
18 damage to determine whether a state of emergency should be  
19 declared;
- 20 (B) preserving public safety, protecting  
21 property, or surveying damage or contamination during a lawfully  
22 declared state of emergency; or
- 23 (C) conducting routine air quality sampling and  
24 monitoring, as provided by state or local law;
- 25 (10) at the scene of a spill, or a suspected spill, of  
26 hazardous materials;
- 27 (11) for the purpose of fire suppression;

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

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

7           (14) of real property or a person on real property that  
8 is within 25 miles of the United States border;

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

13           (16) of public real property or a person on that  
14 property;

15           (17) if the image is captured by the owner or operator  
16 of an oil, gas, water, or other pipeline for the purpose of  
17 inspecting, maintaining, or repairing pipelines or other related  
18 facilities, and is captured without the intent to conduct  
19 surveillance on an individual or real property located in this  
20 state;

21           (18) in connection with oil pipeline safety and rig  
22 protection; [~~or~~]

23           (19) in connection with port authority surveillance  
24 and security;

25           (20) if the image is captured by a registered  
26 professional land surveyor in connection with the practice of  
27 professional surveying, as those terms are defined by Section

1 1071.002, Occupations Code, provided that no individual is  
2 identifiable in the image; or

3 (21) if the image is captured by a professional  
4 engineer licensed under Subchapter G, Chapter 1001, Occupations  
5 Code, in connection with the practice of engineering, as defined by  
6 Section 1001.003, Occupations Code, provided that no individual is  
7 identifiable in the image.

8 SECTION 2. The change in law made by this Act applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 governed by the law in effect on the date the offense was committed,  
12 and the former law is continued in effect for that purpose. For  
13 purposes of this section, an offense was committed before the  
14 effective date of this Act if any element of the offense occurred  
15 before that date.

16 SECTION 3. This Act takes effect September 1, 2015.