

1-1 By: Smith (Senate Sponsor - Zaffirini) H.B. No. 2167
 1-2 (In the Senate - Received from the House April 27, 2015;
 1-3 May 4, 2015, read first time and referred to Committee on Business
 1-4 and Commerce; May 12, 2015, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 12, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to certain images captured by an unmanned aircraft.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Section 423.002(a), Government Code, is amended
 1-22 to read as follows:
 1-23 (a) It is lawful to capture an image using an unmanned
 1-24 aircraft in this state:
 1-25 (1) for purposes of professional or scholarly research
 1-26 and development by a person acting on behalf of an institution of
 1-27 higher education or a private or independent institution of higher
 1-28 education, as those terms are defined by Section 61.003, Education
 1-29 Code, including a person who:
 1-30 (A) is a professor, employee, or student of the
 1-31 institution; or
 1-32 (B) is under contract with or otherwise acting
 1-33 under the direction or on behalf of the institution;
 1-34 (2) in airspace designated as a test site or range
 1-35 authorized by the Federal Aviation Administration for the purpose
 1-36 of integrating unmanned aircraft systems into the national
 1-37 airspace;
 1-38 (3) as part of an operation, exercise, or mission of
 1-39 any branch of the United States military;
 1-40 (4) if the image is captured by a satellite for the
 1-41 purposes of mapping;
 1-42 (5) if the image is captured by or for an electric or
 1-43 natural gas utility:
 1-44 (A) for operations and maintenance of utility
 1-45 facilities for the purpose of maintaining utility system
 1-46 reliability and integrity;
 1-47 (B) for inspecting utility facilities to
 1-48 determine repair, maintenance, or replacement needs during and
 1-49 after construction of such facilities;
 1-50 (C) for assessing vegetation growth for the
 1-51 purpose of maintaining clearances on utility easements; and
 1-52 (D) for utility facility routing and siting for
 1-53 the purpose of providing utility service;
 1-54 (6) with the consent of the individual who owns or
 1-55 lawfully occupies the real property captured in the image;
 1-56 (7) pursuant to a valid search or arrest warrant;
 1-57 (8) if the image is captured by a law enforcement
 1-58 authority or a person who is under contract with or otherwise acting
 1-59 under the direction or on behalf of a law enforcement authority:
 1-60 (A) in immediate pursuit of a person law
 1-61 enforcement officers have reasonable suspicion or probable cause to

2-1 suspect has committed an offense, not including misdemeanors or
 2-2 offenses punishable by a fine only;
 2-3 (B) for the purpose of documenting a crime scene
 2-4 where an offense, not including misdemeanors or offenses punishable
 2-5 by a fine only, has been committed;
 2-6 (C) for the purpose of investigating the scene
 2-7 of:
 2-8 (i) a human fatality;
 2-9 (ii) a motor vehicle accident causing death
 2-10 or serious bodily injury to a person; or
 2-11 (iii) any motor vehicle accident on a state
 2-12 highway or federal interstate or highway;
 2-13 (D) in connection with the search for a missing
 2-14 person;
 2-15 (E) for the purpose of conducting a high-risk
 2-16 tactical operation that poses a threat to human life; or
 2-17 (F) of private property that is generally open to
 2-18 the public where the property owner consents to law enforcement
 2-19 public safety responsibilities;
 2-20 (9) if the image is captured by state or local law
 2-21 enforcement authorities, or a person who is under contract with or
 2-22 otherwise acting under the direction or on behalf of state
 2-23 authorities, for the purpose of:
 2-24 (A) surveying the scene of a catastrophe or other
 2-25 damage to determine whether a state of emergency should be
 2-26 declared;
 2-27 (B) preserving public safety, protecting
 2-28 property, or surveying damage or contamination during a lawfully
 2-29 declared state of emergency; or
 2-30 (C) conducting routine air quality sampling and
 2-31 monitoring, as provided by state or local law;
 2-32 (10) at the scene of a spill, or a suspected spill, of
 2-33 hazardous materials;
 2-34 (11) for the purpose of fire suppression;
 2-35 (12) for the purpose of rescuing a person whose life or
 2-36 well-being is in imminent danger;
 2-37 (13) if the image is captured by a Texas licensed real
 2-38 estate broker in connection with the marketing, sale, or financing
 2-39 of real property, provided that no individual is identifiable in
 2-40 the image;
 2-41 (14) of real property or a person on real property that
 2-42 is within 25 miles of the United States border;
 2-43 (15) from a height no more than eight feet above ground
 2-44 level in a public place, if the image was captured without using any
 2-45 electronic, mechanical, or other means to amplify the image beyond
 2-46 normal human perception;
 2-47 (16) of public real property or a person on that
 2-48 property;
 2-49 (17) if the image is captured by the owner or operator
 2-50 of an oil, gas, water, or other pipeline for the purpose of
 2-51 inspecting, maintaining, or repairing pipelines or other related
 2-52 facilities, and is captured without the intent to conduct
 2-53 surveillance on an individual or real property located in this
 2-54 state;
 2-55 (18) in connection with oil pipeline safety and rig
 2-56 protection; ~~or~~
 2-57 (19) in connection with port authority surveillance
 2-58 and security;
 2-59 (20) if the image is captured by a registered
 2-60 professional land surveyor in connection with the practice of
 2-61 professional surveying, as those terms are defined by Section
 2-62 1071.002, Occupations Code, provided that no individual is
 2-63 identifiable in the image; or
 2-64 (21) if the image is captured by a professional
 2-65 engineer licensed under Subchapter G, Chapter 1001, Occupations
 2-66 Code, in connection with the practice of engineering, as defined by
 2-67 Section 1001.003, Occupations Code, provided that no individual is
 2-68 identifiable in the image.
 2-69 SECTION 2. The change in law made by this Act applies only

3-1 to an offense committed on or after the effective date of this Act.
3-2 An offense committed before the effective date of this Act is
3-3 governed by the law in effect on the date the offense was committed,
3-4 and the former law is continued in effect for that purpose. For
3-5 purposes of this section, an offense was committed before the
3-6 effective date of this Act if any element of the offense occurred
3-7 before that date.

3-8 SECTION 3. This Act takes effect September 1, 2015.

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