

1-1 By: Geren (Senate Sponsor - Zaffirini) H.B. No. 1302
 1-2 (In the Senate - Received from the House May 1, 2023;
 1-3 May 1, 2023, read first time and referred to Committee on Natural
 1-4 Resources & Economic Development; May 21, 2023, reported
 1-5 adversely, with favorable Committee Substitute by the following
 1-6 vote: Yeas 6, Nays 3; May 21, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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		X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1302 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to inspections and examinations by the Railroad Commission
 1-22 of Texas of certain sites and facilities conducted using unmanned
 1-23 aircraft.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 423.002(a), Government Code, is amended
 1-26 to read as follows:

1-27 (a) It is lawful to capture an image using an unmanned
 1-28 aircraft in this state:

1-29 (1) for the purpose of professional or scholarly
 1-30 research and development or for another academic purpose by a
 1-31 person acting on behalf of an institution of higher education or a
 1-32 private or independent institution of higher education, as those
 1-33 terms are defined by Section 61.003, Education Code, including a
 1-34 person who:

1-35 (A) is a professor, employee, or student of the
 1-36 institution; or

1-37 (B) is under contract with or otherwise acting
 1-38 under the direction or on behalf of the institution;

1-39 (2) in airspace designated as a test site or range
 1-40 authorized by the Federal Aviation Administration for the purpose
 1-41 of integrating unmanned aircraft systems into the national
 1-42 airspace;

1-43 (3) as part of an operation, exercise, or mission of
 1-44 any branch of the United States military;

1-45 (4) if the image is captured by a satellite for the
 1-46 purposes of mapping;

1-47 (5) if the image is captured by or for an electric or
 1-48 natural gas utility or a telecommunications provider:

1-49 (A) for operations and maintenance of utility or
 1-50 telecommunications facilities for the purpose of maintaining
 1-51 utility or telecommunications system reliability and integrity;

1-52 (B) for inspecting utility or telecommunications
 1-53 facilities to determine repair, maintenance, or replacement needs
 1-54 during and after construction of such facilities;

1-55 (C) for assessing vegetation growth for the
 1-56 purpose of maintaining clearances on utility or telecommunications
 1-57 easements; and

1-58 (D) for utility or telecommunications facility
 1-59 routing and siting for the purpose of providing utility or
 1-60 telecommunications service;

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

3-1 professional surveying, as those terms are defined by Section
3-2 1071.002, Occupations Code, provided that no individual is
3-3 identifiable in the image;

3-4 (20) if the image is captured by a professional
3-5 engineer licensed under Subchapter G, Chapter 1001, Occupations
3-6 Code, in connection with the practice of engineering, as defined by
3-7 Section 1001.003, Occupations Code, provided that no individual is
3-8 identifiable in the image; [~~or~~]

3-9 (21) if:
3-10 (A) the image is captured by an employee of an
3-11 insurance company or of an affiliate of the company in connection
3-12 with the underwriting of an insurance policy, or the rating or
3-13 adjusting of an insurance claim, regarding real property or a
3-14 structure on real property; and

3-15 (B) the operator of the unmanned aircraft is
3-16 authorized by the Federal Aviation Administration to conduct
3-17 operations within the airspace from which the image is
3-18 captured; or

3-19 (22) if the image is captured by the Railroad
3-20 Commission of Texas or an agent, servant, or employee of the
3-21 commission in connection with the inspection and examination of:

3-22 (A) an oil or gas site or facility, including a
3-23 well, tank, or disposal or injection site;

3-24 (B) a pipeline facility; or

3-25 (C) a surface mining site.

3-26 SECTION 2. Section 88.091, Natural Resources Code, is
3-27 amended to read as follows:

3-28 Sec. 88.091. ACCESS TO PROPERTY AND RECORDS. (a) The
3-29 governmental agency shall have access at all times to:

3-30 (1) the oil property of all persons for inspection and
3-31 examination, including for inspection and examination by unmanned
3-32 aircraft; and

3-33 (2) the records of all these persons for inspection,
3-34 examination, and audit.

3-35 (b) The governmental agency shall provide notice to the
3-36 operator of the property before the governmental agency uses
3-37 unmanned aircraft for the inspection and examination of the
3-38 property. On receiving the notice, the operator of the property
3-39 shall make a good faith effort to provide notice to the owner of the
3-40 property, if applicable.

3-41 SECTION 3. This Act takes effect immediately if it receives
3-42 a vote of two-thirds of all the members elected to each house, as
3-43 provided by Section 39, Article III, Texas Constitution. If this
3-44 Act does not receive the vote necessary for immediate effect, this
3-45 Act takes effect September 1, 2023.

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