An Agricultural Law Research Project

States’ Unmanned Aerial Vehicle Laws

Trespass, Harassment, or Violation of Privacy

Idaho

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STATE OF IDAHO

ID ST § 21-213

Current through March 29, 2020

ID ST § 21-213 Restrictions on Use of Unmanned Aircraft Systems – Definition – Violation – Cause of Action and Damages

(1)(a) For the purposes of this section, the term “unmanned aircraft system” (UAS) means an unmanned aircraft vehicle, drone, remotely piloted vehicle, remotely piloted aircraft or remotely operated aircraft that is a powered aerial vehicle that does not carry a human operator, can fly autonomously or remotely and can be expendable or recoverable.

(b) Unmanned aircraft system does not include:
(i) Model flying airplanes or rockets including, but not necessarily limited to, those that are radio controlled or otherwise remotely controlled and that are used purely for sport or recreational purposes; and
(ii) An unmanned aircraft system used in mapping or resource management.

(2)(a) Absent a warrant, and except for emergency response for safety, search and rescue or controlled substance investigations, no person, entity or state agency shall use an unmanned aircraft system to intentionally conduct surveillance of, gather evidence or collect information about, or photographically or electronically record specifically targeted persons or specifically targeted private property including, but not limited to:
(i) An individual or a dwelling owned by an individual and such dwelling's curtilage, without such individual’s written consent;
(ii) A farm, dairy, ranch or other agricultural industry without the written consent of the owner of such farm, dairy, ranch or other agricultural industry.

(b) No person, entity or state agency shall use an unmanned aircraft system to photograph or otherwise record an individual, without such individual’s written consent, for the purpose of publishing or otherwise publicly disseminating such photograph or recording.

(3) Any person who is the subject of prohibited conduct under subsection (2) of this section shall:
(a) Have a civil cause of action against the person, entity or state agency for such prohibited conduct; and
(b) Be entitled to recover from any such person, entity or state agency damages in the amount of the greater of one thousand dollars ($1,000) or actual and
general damages, plus reasonable attorney's fees and other litigation costs reasonably incurred.

(4) An owner of facilities located on lands owned by another under a valid easement, permit, license or other right of occupancy is not prohibited in this section from using an unmanned aircraft system to aerially inspect such facilities.