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States' Unmanned Aerial Vehicle Laws: *Arkansas*



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AR ST § 5-60-103

Current through November 5, 2022

AR ST § 5-60-103 Unlawful Use of Unmanned Aircraft

(a) As used in this section:

(1) "Critical infrastructure" means:

- (A) An electrical power generation or delivery system;
- (B) A petroleum refinery;
- (C) A chemical or rubber manufacturing facility;
- (D) A petroleum or chemical storage facility;
- (E) A railroad operating facility;
- (F) A communication tower or facility;
- (G) A food processing or manufacturing facility; or
- (H) A correctional or detention facility; and

(2) (A) "Unmanned aircraft system" means an unmanned, powered aircraft that:

- (i) Does not carry a human operator;
- (ii) Can be autonomous or remotely piloted or operated; and
- (iii) Can be expendable or recoverable.

(B) "Unmanned aircraft system" does not include:

- (i) A satellite orbiting the earth;
- (ii) An unmanned aircraft system used by the United States Government or a person who is acting pursuant to contract with the United States Government to conduct surveillance of specific critical infrastructure;
- (iii) An unmanned aircraft system used by the state after consultation with the Governor or a person who is acting under contract with the state to conduct surveillance of specific critical infrastructure;
- (iv) An unmanned aircraft system used under a certificate of authorization issued by the Federal Aviation Administration; or
- (v) An unmanned aircraft used by a law enforcement agency, emergency medical service agency, hazardous materials response team, disaster management agency, or other emergency management agency for the purpose of incident command, area reconnaissance, personnel and equipment deployment monitoring, training, or a related purpose.



(b) A person commits the offense of unlawful use of an unmanned aircraft system if he or she knowingly uses an unmanned aircraft system to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record critical infrastructure without the prior written consent of the owner of the critical infrastructure.

(c) This section does not prohibit:

(1) (A) A person from using an unmanned aircraft system to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record his or her own property that is:

(i) Located on his or her own immovable property; or

(ii) Located on immovable property owned by another person under a valid lease, servitude, right-of-way, right of use, permit, license, or other right.

(B) A third person retained by the owner of the property described in subdivision (c)(1)(A) of this section to conduct activities described in subdivision (c)(1)(A) of this section is not prohibited under this section from using an unmanned aircraft system to conduct the activities described in this subdivision (c)(1); or

(2) An insurance company or a person acting on behalf of an insurance company from using an unmanned aircraft system for purposes of underwriting an insurance risk or investigating damage to insured property.

(d) Unlawful use of an unmanned aircraft system is:

(1) A Class B misdemeanor; or

(2) A Class A misdemeanor for a second or subsequent offense.

