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States' Unmanned Aerial Vehicle Laws: *Kentucky*



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States' Unmanned Aerial Vehicle Laws: Kentucky

KY ST § 500.130

KY ST § 511.100

Current through November 9, 2022

KY ST § 500.130 Operation of Unmanned Aircraft System; Citizen's Freedom from Unwarranted Surveillance Act

- (1) Except for unmanned aircraft systems operated by the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component thereof, or by the Army National Guard or Air National Guard, unmanned aircraft systems may not be equipped with a lethal payload.
- (2) Any business entity doing business lawfully within this state may use an unmanned aircraft system for business purposes, in compliance with 14 C.F.R. pt. 107.
- (3) Any recreational user may operate an unmanned aircraft system within this state, in compliance with 14 C.F.R. pt. 101.
- (4) Any institution of higher education, or school district, may use an unmanned aircraft system for educational, research, or testing purposes.
- (5) No law enforcement agency, or agent thereof, shall use an unmanned aircraft system to conduct a search unless authorized under the Fourth Amendment to the United States Constitution and Section 10 of the Kentucky Constitution. If the search is conducted pursuant to a warrant, the warrant shall specifically authorize the use of an unmanned aircraft system.
- (6) Except as limited by subsection (5) of this section, any government agency, including a law enforcement agency, may use an unmanned aircraft system for legitimate governmental purposes.
- (7) When an unmanned aircraft system is used by law enforcement pursuant to subsections (5) and (6) of this section, it shall be operated in a lawful manner and shall minimize data collection on nonsuspects. Disclosure of such data shall be prohibited except by order of a court of competent jurisdiction.
- (8) No evidence obtained or collected as the result of the use of an unmanned aircraft system shall be admissible as evidence in any civil, criminal, or administrative proceeding within this state for the purpose of enforcing state or local law, except for:
 - (a) Evidence collected as permitted by subsections (2) to (6) of this section; or
 - (b) Evidence which is offered against the owner or operator of an unmanned aircraft system to show misconduct.



- (9) No law enforcement agency shall be required to operate unmanned aircraft systems.
- (10) Operation of an unmanned aircraft system in violation of subsection (2) or (3) of this section shall be a violation for the first offense and a Class B misdemeanor for the second or subsequent offense.
- (11) This section may be cited as the “Citizens' Freedom from Unwarranted Surveillance Act.”

KY ST § 511.100 Trespass Upon Key Infrastructure Assets

- (1) As used in this section:
- (a) “Key infrastructure assets” means:
1. Any critical node of a system used in the production or generation of electrical energy;
 2. A petroleum refinery;
 3. A rubber or hazardous chemical manufacturing facility;
 4. A petroleum or hazardous chemical storage facility or terminal;
 5. Natural gas processing, fractionation, stabilization, and compressor station facilities, as well as above-ground natural gas or petroleum pipelines and related facilities;
 6. Railroad yards and railroad tunnel portals;
 7. A drinking water collection, treatment, or storage facility;
 8. Grounds or property of a state prison, juvenile justice facility, jail, or other facility for the detention of persons charged with or convicted of crimes;
 9. A facility used for research, development, design, production, delivery, or maintenance of military weapons systems, subsystems, and components or parts to meet military requirements of the United States;
 10. A wireless communications facility, including the tower, antennae, support structures and all associated ground-based equipment, and a telecommunications central switching office; or
 11. A cable television headend; and
- (b) “Unmanned aircraft system” means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft, that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.
- (2) (a) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly enters or remains unlawfully in or upon real property on which key infrastructure assets are located.
- (b) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly uses, or retains or authorizes a person to use, an unmanned aircraft system to fly above real property on which key



- infrastructure assets are located with the intent to cause harm or damage to or conduct surveillance of the key infrastructure asset without the prior consent of the owner, tenant, or lessee of the real property.
- (3) Trespass upon key infrastructure assets is a Class B misdemeanor for the first offense, and a Class A misdemeanor for a second or subsequent offense.
- (4) This section does not apply to:
- (a) An unmanned aircraft system used by the federal government or by the Commonwealth, or by a person acting pursuant to a contract with the federal government or the Commonwealth;
 - (b) An unmanned aircraft system used by:
 - 1. The owner of the real property or key infrastructure asset;
 - 2. A person under a valid lease, servitude, right-of-way, right of use, permit, license, or other right granted by the owner of the real property or key infrastructure asset; or
 - 3. A third party who is retained or authorized by a person specified in subparagraph 1. or 2. of this paragraph;
 - (c) An unmanned aircraft system used by a law enforcement agency, emergency medical service agency, hazardous material 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;
 - (d) Operation of an unmanned aircraft system by a person or entity for a commercial purpose in compliance with applicable Federal Aviation Administration authorization, regulations, or exemptions;
 - (e) A satellite orbiting the earth;
 - (f) An unmanned aircraft system used by an insurance company or a person acting on behalf of an insurance company for purposes of underwriting an insurance risk or investigating damage to insured property; or
 - (g) An unmanned aircraft system used strictly in accordance with an order of a court of competent jurisdiction.

