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States' Unmanned Aerial Vehicle Laws: *Tennessee*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Unmanned Aerial Vehicle Laws: Tennessee

TN ST § 39-13-903

TN ST § 39-14-405

TN ST § 70-4-302

Current through November 20, 2022

TN ST § 39-13-903 Capture or Use of Image Using Unmanned Aircraft; Use of Unmanned Aircraft Over Prohibited Sites or Facilities; Penalty; Defense

(a) Subject to the exceptions set forth in § 39-13-902(a), a person commits an offense if the person:

- (1) Uses an unmanned aircraft to capture an image of an individual or privately owned real property in this state with the intent to conduct surveillance on the individual or property captured in the image;
- (2) Knowingly uses an image in a manner prohibited by § 39-13-902(b);
- (3) Without the venue owner or operator's consent, uses an unmanned aircraft to intentionally capture an image of an individual or event at, or drop any item or substance into, an open-air event venue wherein more than one hundred (100) individuals are gathered for a ticketed event;
- (4) (A) Knowingly uses an unmanned aircraft within or over a designated fireworks discharge site, fireworks display site, or fireworks fallout area during an event as defined in § 68-104-202, without the consent of the owner or operator of the event; and
(B) For purposes of this subdivision (a)(4):
 - (i) "Discharge site" means the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;
 - (ii) "Display site" means the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not including the spectator viewing areas or vehicle parking areas; and
 - (iii) "Fallout area" means the designated area in which hazardous debris is intended to fall after a pyrotechnic device, including display fireworks, is fired;
- (5) Knowingly uses an unmanned aircraft over the grounds of a correctional facility; or



- (6) (A) Without the business operator's written consent, knowingly uses an unmanned aircraft within two hundred fifty feet (250') of the perimeter of any critical infrastructure facility for the purpose of conducting surveillance of, gathering evidence or collecting information about, or photographically or electronically recording, critical infrastructure data;
- (B) As used in this subdivision (a)(6), "critical infrastructure facility" means:
- (i) An electrical power generation system; electrical transmission system, either as a whole system or any individual component of the transmission system; or electrical distribution substation;
 - (ii) A petroleum refinery;
 - (iii) A manufacturing facility that utilizes any hazardous substance, as defined in § 68-131-102, either in storage or in the process of manufacturing;
 - (iv) A chemical or rubber manufacturing facility;
 - (v) A petroleum or chemical storage facility;
 - (vi) A water or wastewater treatment facility;
 - (vii) Any facility, equipment, or pipeline infrastructure utilized in the storage, transmission, or distribution of natural gas or propane;
 - (viii) Railroad yards and facilities not open to the general public; and
 - (ix) A communication service facility;
- (C) This subdivision (a)(6) shall not prohibit an unmanned aircraft system from operating for commercial purposes in compliance with authorization granted by the Federal Aviation Administration.
- (b) (1) An offense under subdivisions (a)(1)-(5) is a Class C misdemeanor.
(2) An offense under subdivision (a)(6) is a Class E felony.
- (c) It is a defense to prosecution under this section that the person destroyed the image:
- (1) As soon as the person had knowledge that the image was captured in violation of this section; and
 - (2) Without disclosing, displaying, or distributing the image to a third party.

TN ST § 39-14-405 Criminal Trespass

- (a) A person commits criminal trespass if the person enters or remains on property, or any portion of property, without the consent of the owner. Consent may be inferred in the case of property that is used for commercial activity available to the general public or in the case of other property when the owner has communicated the owner's intent that the property be open to the general public.
- (b) It is a defense to prosecution under this section that:
- (1) A person entered or remained on property that the person reasonably believed to be property for which the owner's consent to enter had been granted;
 - (2) The person's conduct did not substantially interfere with the owner's use of the property; and



- (3) The person immediately left the property upon request.
- (c) The defenses to prosecution set out in subsection (b) shall not be applicable to a person violating this section if the property owner:
- (1) Posts the property with signs that are visible at all major points of ingress to the property being posted and the signs are reasonably likely to come to the attention of a person entering the property; or
 - (2) Places identifying purple paint marks on trees or posts on the property; provided, that at least one (1) sign is posted at a major point of ingress to the property in a manner that is reasonably likely to come to the attention of a person entering the property and that the sign includes language describing that the use of purple paint signifies “no trespassing.” If purple paint is used, then purple paint must be vertical lines of not less than eight inches (8”) in length and not less than one inch (1”) in width; placed so that the bottom of the mark is not less than three feet (3’) or more than five feet (5’) from the ground; and placed at locations that are reasonably likely to come to the attention of a person entering the property.
- (d) For purposes of this section, “enter” means intrusion of the entire body or when a person causes an unmanned aircraft to enter that portion of the airspace above the owner’s land not regulated as navigable airspace by the federal aviation administration.
- (e) Entering or remaining on railroad or utility right-of-way property by an adjoining landowner for usual and customary activities of the type defined in §§ 1-3-105(a)(2)(A)(i) and (ii), (B) and (C) and 43-1-113(a), (b)(1)(A) and (B), (b)(2) and (b)(3) shall not be considered trespass under this section. This subsection (e) shall not apply if the railroad or utility right-of-way owner, by a personal communication or posting at the site by someone with either actual authority or apparent authority to act for the railroad or utility right-of-way owner, has communicated to the adjoining landowner that the activity is not permitted.
- (f) (1) The secretary of state shall establish a no trespass public notice list identifying employers in this state who have requested established private property rights to be recognized and recorded against a trespasser under subsection (a).
- (2) To be included on the list, an employer shall provide to the secretary of state copies of appropriate documents that establish the employer’s private property rights, including the address and legal description of the property to which it has legal control. An employer that records its private property rights shall pay a recording fee as determined by the secretary of state.
- (3) Beginning January 15, 2015, and every January 15 and July 15 thereafter, the secretary of state shall:
- (A) Make the list available to the public in the office of the secretary of state and publish the list on the website maintained by the secretary of state; and
 - (B) Distribute the no trespass public notice list to every law enforcement agency in this state.



- (4) Publication of the no trespass public notice list as prescribed in subdivision (f)(3) establishes a presumption that members of the general public have notice of the establishment of private property rights of all employers and properties listed.
- (5) Each law enforcement agency in this state shall maintain the most recent no trespass public notice list received from the secretary of state for its use in responding to complaints of criminal trespass under subsection (a). If a property is identified on the list, the responding law enforcement officer:
- (A) Is not required to further establish an employer's property rights before taking action against a person committing criminal trespass; and
 - (B) May take appropriate and lawful action against a person committing criminal trespass to have such person leave the property or cease blocking ingress to or egress from the property.
- (6) If the employer's property is listed on the no trespass public notice list, an owner may seek an expedited injunction to restrain repeated or continuing trespass.
- (7) This subsection (f) shall not affect or limit any existing rights of an owner whose property is not included on the no trespass public notice list.
- (g) Criminal trespass is a Class C misdemeanor.
- (h) For purposes of this section, there shall be no inference of the owner's consent nor shall the defense in subsection (b) be available to a person entering and remaining on the grounds, or in the common areas, such as lobbies, hallways, courtyards, and parking lots, of a housing or apartment complex having signs posted in compliance with subsection (c) unless the person:
- (1) Has the actual consent of the owner;
 - (2) May lawfully enter the property by virtue of the person's occupational duties; or
 - (3) Has a contractual right to enter the property or is an invitee of someone with a contractual right to make invitations to enter the property.

TN ST § 70-4-302 Crimes and Offenses

- (a) Any person who performs any of the following commits a Class C misdemeanor:
- (1) Interferes with the lawful taking of a wild animal by another with intent to prevent the taking;
 - (2) Disturbs or engages in an activity that will tend to disturb wild animals, with intent to prevent their lawful taking;
 - (3) Disturbs another person who is engaged in the lawful taking of a wild animal or who is engaged in the process of taking, with intent to dissuade or otherwise prevent the taking;
 - (4) Enters or remains upon public lands, or upon private lands without permission of the owner or the owner's agent, with intent to violate this section;



- (5) Fails to obey the order of a peace officer to desist from conduct in violation of this section if the officer observes such conduct, or has reasonable grounds to believe that the person has engaged in such conduct that day or that the person plans or intends to engage in such conduct that day on a specific premises; or
- (6) Uses a drone with the intent to conduct video surveillance of private citizens who are lawfully hunting or fishing without obtaining the written consent of the persons being surveilled prior to conducting the surveillance.
- (b) As used in subsection (a), “any person” means any individual, firm, association, company, partnership, corporation, public or private organization, institution or similar entity.

