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States' Unmanned Aerial Vehicle Laws: *Tennessee*



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States' Unmanned Aerial Vehicle Laws: Tennessee

TN ST § 39-13-902

TN ST § 39-13-903

Current through November 20, 2022

TN ST § 39-13-902 Capture of Image Using Unmanned Aircraft; Allowed Images

(a) Notwithstanding § 39-13-903, it is lawful to capture an image using an unmanned aircraft in this state:

(1) For purposes of professional or scholarly research and development by a person acting on behalf of an institution of higher education, as defined by § 49-7-802, including a person who:

(A) Is a professor, employee, or student of the institution; or

(B) Is under contract with or otherwise acting under the direction or on behalf of the institution;

(2) In airspace designated as a test site or range authorized by the federal aviation administration for the purpose of integrating unmanned aircraft systems into the national airspace;

(3) As part of an authorized operation, exercise, or mission of any branch of the United States military, consistent with the Constitution of the United States;

(4) If the image is captured for the purposes of mapping; provided, the image of any person or thing on private property captured in the course of mapping shall be subject to § 39-13-905 as an image captured incidental to the lawful capturing of an image;

(5) If the image is captured for the practice of land surveying, as defined in § 62-18-102, by a duly registered land surveyor, pursuant to title 62, chapter 18, part 1; provided, the image of any person or thing on private property captured in the course of land surveying shall be subject to § 39-13-905 as an image captured incidental to the lawful capturing of an image;

(6) If the image is captured by or for an electric or natural gas utility:

(A) For operations and maintenance of utility facilities for the purpose of maintaining utility system reliability and integrity;

(B) For inspecting utility facilities to determine repair, maintenance, or replacement needs during and after construction of such facilities;

(C) For assessing vegetation growth for the purpose of maintaining clearances on utility easements; or



- (D) For utility facility routing and siting for the purpose of providing utility service;
- (7) With the consent of the individual who owns or lawfully occupies the real property captured in the image;
- (8) For law enforcement purposes, as permitted by § 39-13-609;
- (9) If the image is captured by state or local law enforcement authorities, or a person who is under contract with or otherwise acting under the direction or on behalf of state authorities, for the purpose of:
 - (A) Surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared;
 - (B) Preserving public safety, protecting property, or surveying damage or contamination during a lawfully declared state of emergency; or
 - (C) Conducting routine air quality sampling and monitoring, as provided by state or local law;
- (10) At the scene of a spill, or a suspected spill, of hazardous materials;
- (11) For the purpose of fire suppression;
- (12) For the purpose of rescuing a person whose life or well-being is in imminent danger;
- (13) If the image is captured by a Tennessee licensed real estate broker in connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image;
- (14) Of public real property or a person on that property;
- (15) If the image is captured by the owner, operator or agent, or a person under contract with the owner, operator or agent, of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing pipelines or other related facilities, and is captured without the intent to conduct surveillance on an individual or real property located in this state;
- (16) In connection with oil and gas pipeline and well safety and protection;
- (17) In connection with port authority surveillance and security;
- (18) As authorized or permitted by the federal aviation administration for use in a motion picture, television or similar production where the filming is authorized by the property owner and a state or local film permit agency, if required;
- (19) As a part of a commercial service that has received authorization from the federal aviation administration to use unmanned aircraft or an unmanned aircraft operating under regulations promulgated by the federal aviation administration for commercial use of unmanned aircraft;
- (20) If the image is captured by the department of transportation, or a person under contract with or otherwise acting under the direction of or on behalf of the department of transportation, for the purpose of planning, locating, designing, constructing, maintaining, or operating transportation programs or projects; provided, the image of any person or thing on private property captured by or for the department of transportation pursuant to this subdivision (a)(20) shall be subject to § 39-13-905 as an image captured incident to the lawful capturing of an image;



- (21) If the image is captured for the practice of photogrammetric mapping by an individual who holds the “certified photogrammetrist” designation of the American Society for Photogrammetry and Remote Sensing or other national scientific organization having a process for certifying photogrammetrists; provided, the image of any person or thing on private property captured in the course of photogrammetric mapping shall be subject to § 39-13-905 as an image captured incident to the lawful capturing of an image; or
- (22) If the image is captured by the Tennessee emergency management agency, created in § 58-2-104, for emergency management purposes, including surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared, coordinating a disaster response, and conducting preliminary damage assessments of real property and infrastructure following a disaster. An image of a person or thing on private property captured by the Tennessee emergency management agency pursuant to this subdivision (a)(22) is deemed to be an image captured incidental to the lawful capturing of an image for purposes of § 39-13-905.
- (b) An image captured for law enforcement purposes by a state or local law enforcement agency, or by a person who is under contract with or otherwise acting under the direction of or on behalf of such agency, shall be handled in accordance with § 39-13-609 and shall not be used for any purpose other than the lawful purpose for which the image was captured as permitted by this section.
- (c) An image captured pursuant to subdivision (a)(22) for the purpose of damage assessment may be retained by the Tennessee emergency management agency for no longer than one (1) year or, if the disaster is later declared a major disaster by the President of the United States, for the retention period required by the federal emergency management agency for data related to damage assessment. All images captured for any other purpose shall not be retained by the Tennessee emergency management agency for more than fifteen (15) business days.

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.

