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## States' Unmanned Aerial Vehicle Laws: *Utah*



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# A National Agricultural Law Center Research Publication

## States' Unmanned Aerial Vehicle Laws: Utah

**UT ST § 65A-3-2.5**

**UT ST § 72-14-303**

**UT ST § 72-14-304**

**UT ST § 72-14-403**

**UT ST § 76-6-206**

**UT ST § 76-9-308**

**UT ST § 76-9-402**

*Current through November 23, 2022*

### **UT ST § 65A-3-2.5 Wildland Fire and Unmanned Aircraft**

- (1) As used in this section:
- (a) “Incident commander” means the government official or employee in command of the response to a wildland fire.
  - (b) “Neutralize” means to terminate the operation of an unmanned aircraft by:
    - (i) disabling or damaging the unmanned aircraft;
    - (ii) interfering with any portion of the unmanned aircraft system associated with the unmanned aircraft; or
    - (iii) otherwise taking control of the unmanned aircraft or the unmanned aircraft system associated with the unmanned aircraft.
  - (c) “Sanctioned entity” includes a person that oversees, is employed by, or is working under the direction of:
    - (i) a government entity;
    - (ii) a telecommunications provider;
    - (iii) a utility provider;
    - (iv) the owner or operator of a pipeline;
    - (v) an insurance provider;
    - (vi) a resource extraction entity;
    - (vii) news media;
    - (viii) a person that operates an unmanned aircraft system under a certificate of waiver, a certificate of authorization, or any other grant of authority obtained from the Federal Aviation Administration that expressly authorizes operation of the unmanned aircraft system; or
    - (ix) a person similar to a person described in Subsections (1)(c)(i) through (vii).
  - (d) “Unmanned aircraft” means an aircraft that is:



- (i) capable of sustaining flight; and
  - (ii) operated with no possible direct human intervention from on or within the aircraft.
- (e) “Unmanned aircraft system” means the entire system used to operate an unmanned aircraft, including:
- (i) the unmanned aircraft;
  - (ii) communications equipment;
  - (iii) navigation equipment;
  - (iv) controllers;
  - (v) support equipment; and
  - (vi) autopilot functionality.

(2) A person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within an area that is under a temporary flight restriction that is issued by the Federal Aviation Administration as a result of the wildland fire, or an area designated as a wildland fire scene on a system managed by a federal, state, or local government entity that disseminates emergency information to the public, unless the person operates the unmanned aircraft system with the permission of, and in accordance with the restrictions established by, the incident commander.

(3) A person, other than a government official or a government employee acting within the person's capacity as a government official or government employee, that recklessly operates an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within an area described in Subsection (2) is guilty of:

- (a) except as provided in Subsection (3)(b), (c), or (d), a class B misdemeanor, punishable by imprisonment as provided in Section 76-3-204 and a fine not to exceed \$2,500;
- (b) except as provided in Subsection (3)(c) or (d), a class A misdemeanor, punishable by imprisonment as provided in Section 76-3-204 and a fine not to exceed \$5,000, if the operation of the unmanned aircraft system:
  - (i) causes an aircraft being used to contain or control a wildland fire to drop a payload of water or fire retardant in a location other than the location originally designated for the aircraft to drop the payload;
  - (ii) causes an aircraft being used to contain or control a wildland fire to land without dropping a payload of water or fire retardant in the location originally designated for the aircraft to drop the payload; or
  - (iii) prevents an aircraft, intended for use in containing or controlling a wildland fire, from taking flight;
- (c) except as provided in Subsection (3)(d), a third degree felony, punishable by imprisonment as provided in Section 76-3-203 and a fine not to exceed \$10,000, if the operation of the unmanned aircraft system causes the unmanned aircraft to come into direct physical contact with a manned aircraft; or
- (d) a second degree felony, punishable by imprisonment as provided in Section 76-3-203 and a fine not to exceed \$15,000, if the operation of



- the unmanned aircraft is the proximate cause of a manned aircraft colliding with the ground, a structure, or another manned aircraft.
- (4) A judge may require a person convicted of a violation under Subsection (3) to pay restitution in an amount equal to damages resulting from the violation, including damages to person or property, the costs of a flight, and any loss of fire retardant.
- (5) The incident commander of a wildland fire shall grant reasonable access to the area of, and within three miles of, the wildland fire to a sanctioned entity if:
- (a) the access is for a purpose related to the responsibilities or business of the sanctioned entity; and
  - (b) the access can be granted, with reasonable restrictions, without imposing a safety risk or impairing efforts to control the wildland fire.
- (6) The chief law enforcement officer for a jurisdiction located in an area described in Subsection (2) or the incident commander of a wildland fire may neutralize or authorize another to neutralize an unmanned aircraft that is flying in an area described in Subsection (2) if the chief law enforcement officer or the incident commander determines that the neutralization is reasonably necessary to terminate a violation described in Subsection (3).
- (7) A political subdivision of the state, or an entity within a political subdivision of the state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft in relation to a wildland fire.

## **UT ST § 72-14-303 Weapon Attached to Unmanned Aircraft – Penalties**

- (1) As used in this section “weapon” means:
- (a) a firearm as described in Section 76-10-501; or
  - (b) an object that in the manner of the object's use or intended use is capable of causing death, bodily injury, or damage to property, as determined according to the following factors:
    - (i) the location and circumstances in which the object is used or possessed;
    - (ii) the primary purpose for which the object is made;
    - (iii) the character of the damage, if any, the object is likely to cause;
    - (iv) the manner in which the object is used;
    - (v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
    - (vi) the lawful purposes for which the object may be used.
- (2) (a) Except as provided in Subsection (3), a person may not fly an unmanned aircraft that carries a weapon or to which a weapon is attached.
- (b) A person that violates Subsection (2)(a) is guilty of a class B misdemeanor.
- (3) A person may fly an unmanned aircraft that carries a weapon or to which a weapon is attached if the person:
- (a) (i) obtains a certificate of authorization, or other written approval, from the Federal Aviation Administration authorizing the person to



- fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and
- (ii) operates the unmanned aircraft in accordance with the certificate of authorization or other written approval;
- (b) (i) obtains a contract with the state or the federal government permitting the person to fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and
- (ii) operates the unmanned aircraft in accordance with the contract; or
- (c) operates the unmanned aircraft that carries the weapon or to which the weapon is attached in airspace controlled by the United States Department of Defense, with the permission of the United States Department of Defense.

### **UT ST § 72-14-304 Unlawful Operation of Unmanned Aircraft Near Prison Facilities - Penalties**

- (1) An individual may not operate an unmanned aircraft system:
  - (a) to carry or drop any item to or inside the property of a correctional facility; or
  - (b) in a manner that interferes with the operations or security of a correctional facility.
- (2) (a) A violation of Subsection (1)(a) is a third degree felony.
- (b) A violation of Subsection (1)(b) is a class B misdemeanor.
- (3) An operator of an unmanned aircraft system does not violate Subsection (1) if the operator is:
  - (a) an employee or contractor working on behalf of a mosquito abatement district created pursuant to Title 17B, Limited Purpose Local Government Entities--Local Districts, or Title 17D, Limited Purpose Local Government Entities--Other Entities; and
  - (b) acting in the course and scope of the operator's employment.

### **UT ST § 72-14-403 Safe Operation of Unmanned Aircraft**

- (1) An individual who operates an unmanned aircraft system to fly an unmanned aircraft for recreational purposes shall comply with this section or 14 C.F.R. Sec. 101, Subpart E.
- (2) An individual operating an unmanned aircraft shall:
  - (a) maintain visual line of sight of the unmanned aircraft in order to:
    - (i) know the location of the unmanned aircraft;
    - (ii) determine the attitude, altitude, and direction of flight;
    - (iii) observe the airspace for other air traffic or hazards; and
    - (iv) determine that the unmanned aircraft does not endanger the life or property of another person;
  - (b) ensure that the ability described in Subsection (2)(a)(i) is exercised by either:



- (i) the operator of the unmanned aircraft; or
  - (ii) a visual observer.
- (3) An individual may not operate an unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport unless the operator of the unmanned aircraft has prior authorization from air traffic control.
- (4) An individual may not operate an unmanned aircraft in a manner that interferes with operations and traffic patterns at any airport, heliport, or seaplane base.
- (5) An individual may not operate an unmanned aircraft system:
  - (a) from a public transit rail platform or station; or
  - (b) (i) under a height of 50 feet within a public transit fixed guideway right-of-way; and
  - (ii) directly above any overhead electric lines used to power a public transit rail vehicle.
- (6) An individual may not operate an unmanned aircraft in violation of a notice to airmen described in 14 C.F.R. Sec. 107.47.
- (7) An individual may not operate an unmanned aircraft at an altitude that is higher than 400 feet above ground level unless the unmanned aircraft:
  - (a) is flown within a 400-foot radius of a structure; and
  - (b) does not fly higher than 400 feet above the structure's immediate uppermost limit.
- (8) (a) An individual who violates this section is liable for any damages that may result from the violation.
  - (b) A law enforcement officer shall issue a written warning to an individual who violates this section who has not previously received a written warning for a violation of this section.
  - (c) Except as provided in Subsection (8)(d), an individual who violates this section after receiving a written warning for a previous violation of this section is guilty of an infraction.
  - (d) An individual who violates this section is guilty of a class B misdemeanor for each conviction of a violation of this section after the individual is convicted of an infraction or a misdemeanor for a previous violation of this section.

## **UT ST § 76-6-206 Criminal Trespass**

- (1) As used in this section:
  - (a) “Enter” means intrusion of the entire body or the entire unmanned aircraft.
  - (b) “Remain unlawfully,” as that term relates to an unmanned aircraft, means remaining on or over private property when:
    - (i) the private property or any portion of the private property is not open to the public; and



- (ii) the person operating the unmanned aircraft is not otherwise authorized to fly the unmanned aircraft over the private property or any portion of the private property.
- (2) A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section 76-10-2402 regarding commercial obstruction:
  - (a) the person enters or remains unlawfully on or causes an unmanned aircraft to enter and remain unlawfully over property and:
    - (i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti as defined in Section 76-6-107;
    - (ii) intends to commit any crime, other than theft or a felony; or
    - (iii) is reckless as to whether the person's or unmanned aircraft's presence will cause fear for the safety of another;
  - (b) knowing the person's or unmanned aircraft's entry or presence is unlawful, the person enters or remains on or causes an unmanned aircraft to enter or remain unlawfully over property to which notice against entering is given by:
    - (i) personal communication to the person by the owner or someone with apparent authority to act for the owner;
    - (ii) fencing or other enclosure obviously designed to exclude intruders; or
    - (iii) posting of signs reasonably likely to come to the attention of intruders;or
  - (c) the person enters a condominium unit in violation of Subsection 57-8-7(8).
- (3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless the violation is committed in a dwelling, in which event the violation is a class A misdemeanor.
  - (b) A violation of Subsection (2)(c) is an infraction.
- (4) It is a defense to prosecution under this section that:
  - (a) the property was at the time open to the public; and
  - (b) the actor complied with all lawful conditions imposed on access to or remaining on the property.
- (5) In addition to an order for restitution under Section 77-38b-205, a person who commits a violation of Subsection (2) may also be liable for:
  - (a) statutory damages in the amount of three times the value of damages resulting from the violation of Subsection (2) or \$500, whichever is greater; and
  - (b) reasonable attorney fees not to exceed \$250, and court costs.
- (6) Civil damages under Subsection (5) may be collected in a separate action by the property owner or the owner's assignee.

## **UT ST § 76-9-308 Harassment of Livestock**

- (1) As used in this section:
  - (a) "Livestock" has the same meaning as that term is defined in Subsection 76-9-301(1).





- (b) "Unmanned aircraft system" means the same as that term is defined in Section 72-14-102.
- (2) Except as provided in Subsection (3), a person is guilty of harassment of livestock if the person intentionally, knowingly, or recklessly chases, with the intent of causing distress, or harms livestock through the use of:
  - (a) a motorized vehicle or all-terrain vehicle;
  - (b) a dog; or
  - (c) an unmanned aircraft system.
- (3) A person is not guilty of harassment of livestock if:
  - (a) the person is:
    - (i) the owner of the livestock;
    - (ii) an employee or agent of the owner, or otherwise acting under the owner's general direction or with the owner's permission;
    - (iii) acting in an emergency situation to prevent damage to the livestock or property; or
    - (iv) an employee or agent of the state or a political subdivision and acting in the employee or agent's official capacity; or
  - (b) the action is in line with generally accepted animal husbandry practices.
- (4) A person who violates this section is guilty of:
  - (a) a class B misdemeanor if the violation is a first offense and:
    - (i) no livestock is seriously injured or killed as a result of the person's actions; or
    - (ii) the person's actions cause the livestock to be displaced onto property where the livestock is not legally entitled to be; and
  - (b) a class A misdemeanor if:
    - (i) the person has previously been convicted of harassment of livestock under this section;
    - (ii) livestock is seriously injured or killed as a result of the person's actions; or
    - (iii) livestock or property suffered damage in excess of \$1,000, including money spent in recovering the livestock, as a result of the person's actions.

## **UT ST § 76-9-402 Privacy Violation**

- (1) A person is guilty of privacy violation if, except as authorized by law, the person:
  - (a) trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place;
  - (b) installs, or uses after unauthorized installation in a private place, without the consent of the person or persons entitled to privacy in the private place, any device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or events in the private place; or
  - (c) installs or uses outside of a private place a device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or events originating in the private place which would not ordinarily be





- audible, visible, or comprehensible outside the private place, without the consent of the person or persons entitled to privacy in the private place.
- (2) A person is not guilty of a violation of this section if:
- (a) the device used is an unmanned aircraft;
  - (b) the person is operating the unmanned aircraft for legitimate commercial or educational purposes in a manner consistent with applicable Federal Aviation Administration rules, exemptions, or other authorizations; and
  - (c) any conduct described in Subsection (1) that occurs via the unmanned aircraft is solely incidental to the lawful commercial or educational use of the unmanned aircraft.
- (3) Privacy violation is a class B misdemeanor.

