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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 § 76-6-206**

**UT ST § 76-9-402**

*Current through November 23, 2022*

### **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 § 76-9-402 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.

