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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

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## DIGEST

White (SB 356)

Proposed law prohibits the use of unmanned aircraft to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record a specifically targeted critical infrastructure without the prior written consent of the owner.

Proposed law provides the following definitions:

- (1) "Unmanned aircraft system" means an unmanned, powered aircraft that does not carry a human operator, can be autonomous or remotely piloted or operated, and can be expendable or recoverable, but does not include:
  - (a) A satellite orbiting the earth.
  - (b) An unmanned aircraft system used by the federal government or a person who is acting pursuant to contract with the federal government to conduct surveillance of specific critical infrastructure.
  - (c) An unmanned aircraft system used by the state government or a person who is acting pursuant to contract with the state government to conduct surveillance of specific critical infrastructure.
  - (d) An unmanned aircraft system used pursuant to prior written authorization of the Dept. of Transportation and Development (DOTD). Proposed law further provides that DOTD is to provide standards for such authorizations in rules adopted in accordance with present law (Administrative Procedure Act) after consultation with the Governor's Office of Homeland Security and Emergency Preparedness.
- (2) "Critical infrastructure" means systems, facilities, and assets vital to national defense, national security, economic security, public health or safety, including state, regional, and national infrastructure, and may be publicly or privately owned, examples of which include but are not limited to gas and oil production, storage, or delivery systems; certain facilities described in present law relative to hazardous materials; water supply and treatment systems; telecommunications networks; electrical power generation or delivery systems; financing and banking systems; emergency services; transportation systems and services; and facilities subject to the Transportation Worker Identification Credential (TWIC) program under the Maritime Transportation Security Act of 2002.
- (3) "Federal government" means the United States of America and any department, agency,

or instrumentality thereof.

- (4) "State government" means the state of Louisiana and any department, agency, or instrumentality thereof.

Proposed law does not prohibit a person from using an unmanned aircraft system to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record his own property that is located either on his own immovable property or on immovable property owned by another under a valid lease, servitude, right of way, right of use, permit, license, or other right. Proposed law further provides that third persons retained by the owner of the property described in proposed law are likewise not prohibited under proposed law from using an unmanned aircraft system to conduct such activities.

Proposed law provides that any person who uses an unmanned aircraft system in violation of proposed law are liable to the owner of the critical infrastructure that is the subject of the prohibited conduct as follows:

- (1) Any actual damages sustained as a result of such use, or \$10,000, whichever is greater.
- (2) Treble damages, in any case where such violation resulted in profit or monetary gain.
- (3) The costs of the action together with reasonable attorney fees as determined by the court, in the case of a successful action to enforce any civil liability under proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 2:18)