

## Department of Planning and Budget 2017 Fiscal Impact Statement

**1. Bill Number:** HB 2197

<b>House of Origin</b>	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
<b>Second House</b>	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron:** Kilgore

**3. Committee:** Courts of Justice

**4. Title:** Unmanned aircraft systems; designated facility; critical infrastructure; unlawful use; penalties.

**5. Summary:** This bill creates a civil cause of action for the invasion of privacy when a person uses an unmanned aircraft system to enter without consent into the airspace above any designated facility, as defined in the bill, or critical infrastructure to capture an image or attempt to capture an image, as specified in the bill. The bill allows a plaintiff to recover actual damages and allows the court to award punitive damages where actual damages are awarded and to order any other appropriate relief. The bill also makes it unlawful to use an unmanned aircraft to enter into the airspace of a designated facility or critical infrastructure without consent to capture an image or attempt to capture an image of such designated facility or critical infrastructure. The bill directs the Virginia Department of Aviation to prepare a plan and budget for developing Sectional Aeronautical Charts compliant with the provisions of the bill and the related regulations of the Federal Aviation Administration and present such a plan and budget to the Governor by October 1, 2017.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See Item #8.

**8. Fiscal Implications:** The proposal calls for “developing Sectional Aeronautical Charts compliant with the provisions of the bill and the related regulations of the Federal Aviation Administration and present such a plan and budget to the Governor by October 1, 2017.” According to the Department of Aviation, the Commonwealth has no legal authority in this area as there is federal preemption in matters involving the regulation and charting of airspace. Thus, no fiscal estimates for this proposal have been developed.

**9. Specific Agency or Political Subdivisions Affected:** Department of Aviation.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

Date: 1/19/2017

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cc: Secretary of Transportation