

VIRGINIA ACTS OF ASSEMBLY -- 2018 RECONVENED SESSION

CHAPTER 851

An Act to amend and reenact § 15.2-926.3 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 18.2-121.3 and by adding in Article 8 of Chapter 7 of Title 18.2 a section numbered 18.2-324.2, and to repeal the second enactment of Chapter 451 of the Acts of Assembly of 2016, relating to trespass; unmanned aircraft system; penalty.

[H 638]

Approved May 18, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-926.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-121.3 and by adding in Article 8 of Chapter 7 of Title 18.2 a section numbered 18.2-324.2 as follows:

§ 15.2-926.3. (Expires July 1, 2019) Local regulation of certain aircraft.

No locality political subdivision may regulate the use of a privately owned, unmanned aircraft system as defined in § 19.2-60.1 within its boundaries. Nothing in this section shall permit a person to go or enter upon land owned by a political subdivision solely because he is in possession of an unmanned aircraft system if he would not otherwise be permitted entry upon such land.

§ 18.2-121.3. Trespass with an unmanned aircraft system; penalty.

A. Any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of another and come within 50 feet of a dwelling house (i) to coerce, intimidate, or harass another person or (ii) after having been given actual notice to desist, for any other reason, is guilty of a Class 1 misdemeanor.

B. This section shall not apply to any person who causes an unmanned aircraft system to enter the property as set forth in subsection A if (i) consent is given to the entry by any person with legal authority to consent or by any person who is lawfully present on such property or (ii) such person is authorized by federal regulations to operate an unmanned aircraft system and is operating such system in an otherwise lawful manner and consistent with federal regulations.

§ 18.2-324.2. Use of unmanned aircraft system for certain purposes; penalty.

A. It is unlawful for any person who is required to register pursuant to § 9.1-901 to use or operate an unmanned aircraft system to knowingly and intentionally (i) follow or contact another person without permission of such person or (ii) capture the images of another person without permission of such person when such images render the person recognizable by his face, likeness, or other distinguishing characteristic.

B. It is unlawful for a respondent of a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 to knowingly and intentionally use or operate an unmanned aircraft system to follow, contact, or capture images of the petitioner of the protective order or any other individual named in the protective order.

C. A violation of this section is a Class 1 misdemeanor.

2. That the second enactment of Chapter 451 of the Acts of Assembly of 2016 is repealed.

3. That the Secretary of Commerce and Trade, in consultation with the Virginia Economic Development Partnership, shall study the impact of this act on unmanned aircraft research, innovation, and economic development in Virginia and report to the Governor and General Assembly no later than November 1, 2019.