S T A T E O F N E W Y O R K

8605--A

2015-2016 Regular Sessions

I N A S S E M B L Y

December 2, 2015

Introduced by M. of A. KOLB -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to unlawful use of a model aircraft

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 240.00 of the penal law is amended by adding three new subdivisions 7, 8 and 9 to read as follows:

7. "MODEL AIRCRAFT" MEANS AN UNMANNED AIRCRAFT, INCLUDING DRONES, WEIGHING LESS THAN FIFTY-FIVE POUNDS THAT IS FLOWN STRICTLY FOR HOBBY OR RECREATIONAL USE.

8. "RESTRICTED AIRSPACE" MEANS ANY AIRSPACE WITHIN FIVE MILES OF AN AIRPORT OR A CORRECTIONAL FACILITY AS DEFINED IN SECTION FORTY OF THE CORRECTION LAW.

9. "DESIGNATED AREA" MEANS AN AREA OF LAND DESIGNATED BY THE ADOPTION OF A LOCAL LAW BY A CITY, TOWN OR VILLAGE THAT ALLOWS FOR USE OF A MODEL AIRCRAFT.

S 2. The penal law is amended by adding a new section 240.80 to read as follows:

S 240.80 UNLAWFUL USE OF A MODEL AIRCRAFT.

A PERSON IS GUILTY OF UNLAWFUL USE OF A MODEL AIRCRAFT WHEN HE OR SHE KNOWINGLY OPERATES A MODEL AIRCRAFT:

1. OUTSIDE OF A DESIGNATED AREA WHERE A MUNICIPALITY HAS ADOPTED A LOCAL LAW CREATING SUCH AN AREA OR PRIVATELY OWNED AIR SPACE WHOSE OWNER HAS AUTHORIZED SUCH USE; OR

2. MORE THAN FOUR HUNDRED FEET ABOVE GROUND LEVEL; OR

3. WITHOUT A VISUAL LINE OF SIGHT OF SUCH AIRCRAFT; OR

4. WITHIN A RESTRICTED AIRSPACE; OR

5. NEAR STADIUMS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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UNLAWFUL USE OF A MODEL AIRCRAFT IS A MISDEMEANOR PUNISHABLE BY A MAXIMUM FINE OF ONE THOUSAND DOLLARS AND/OR A SENTENCE OF IMPRISONMENT UP TO NINETY DAYS.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.