

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:

- 1 Section 1. Section 240.00 of the penal law is amended by adding three
2 new subdivisions 7, 8 and 9 to read as follows:
3 7. "MODEL AIRCRAFT" MEANS AN UNMANNED AIRCRAFT, INCLUDING DRONES,
4 WEIGHING LESS THAN FIFTY-FIVE POUNDS THAT IS FLOWN STRICTLY FOR HOBBY OR
5 RECREATIONAL USE.
6 8. "RESTRICTED AIRSPACE" MEANS ANY AIRSPACE WITHIN FIVE MILES OF AN
7 AIRPORT OR A CORRECTIONAL FACILITY AS DEFINED IN SECTION FORTY OF THE
8 CORRECTION LAW.
9 9. "DESIGNATED AREA" MEANS AN AREA OF LAND DESIGNATED BY THE ADOPTION
10 OF A LOCAL LAW BY A CITY, TOWN OR VILLAGE THAT ALLOWS FOR USE OF A MODEL
11 AIRCRAFT.
12 S 2. The penal law is amended by adding a new section 240.80 to read
13 as follows:
14 S 240.80 UNLAWFUL USE OF A MODEL AIRCRAFT.
15 A PERSON IS GUILTY OF UNLAWFUL USE OF A MODEL AIRCRAFT WHEN HE OR SHE
16 KNOWINGLY OPERATES A MODEL AIRCRAFT:
17 1. OUTSIDE OF A DESIGNATED AREA WHERE A MUNICIPALITY HAS ADOPTED A
18 LOCAL LAW CREATING SUCH AN AREA OR PRIVATELY OWNED AIR SPACE WHOSE OWNER
19 HAS AUTHORIZED SUCH USE; OR
20 2. MORE THAN FOUR HUNDRED FEET ABOVE GROUND LEVEL; OR
21 3. WITHOUT A VISUAL LINE OF SIGHT OF SUCH AIRCRAFT; OR
22 4. WITHIN A RESTRICTED AIRSPACE; OR
23 5. NEAR STADIUMS.

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

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1 UNLAWFUL USE OF A MODEL AIRCRAFT IS A MISDEMEANOR PUNISHABLE BY A
2 MAXIMUM FINE OF ONE THOUSAND DOLLARS AND/OR A SENTENCE OF IMPRISONMENT
3 UP TO NINETY DAYS.
4 S 3. This act shall take effect on the ninetieth day after it shall
5 have become a law.