§ 280.00 Definitions.

As used in this article, the following terms shall have the following meanings:

1. "Drone" shall mean an unmanned aircraft and its associated operating system, including the hardware and software that manages flight control, navigation, and sensors for autonomous or remote flight without the possibility of direct human intervention from within or on the aircraft.

2. "Nefarious manner" shall mean engaging in conduct that:

(a) constitutes or facilitates the commission of a crime as defined by subdivision six of section 10.00 of the penal law;

(b) recklessly creates a substantial risk of physical injury to another person;

(c) recklessly creates a substantial risk of damage to property;

(d) knowingly or intentionally interferes with, obstructs, or impedes an emergency response, law enforcement operation, search and rescue operation, disaster response, medical evacuation, or other public safety-related operation;

(e) is knowingly or intentionally used to harass, intimidate, stalk, surveil, or physically menace another person in a manner that would otherwise violate state or local law;

(f) is knowingly or intentionally used to deliver, attempt to deliver, or facilitate the delivery of contraband to a correctional facility, detention facility, secure treatment facility, or other secure governmental facility;

(g) constitutes operating a drone knowing such drone is equipped, modified, or operated to discharge, drop, spray, project, or release any projectile, substance, or object in a manner that creates a substantial risk of physical injury to a person, substantial risk of property damage, or disruption of public safety operations; or

(h) is used for the unauthorized surveillance of a state or federal military installation.

3. (a) "Recreational drone" shall mean a drone:

(i) operated exclusively in compliance with 49 U.S.C. 44809 and weighs 0.55 pounds or less on takeoff, including everything that is on board or otherwise attached to the drone;

(ii) operated solely for personal recreational purposes; and

(iii) is not operated in connection with any business commercial, governmental, or surveillance activity.

(b) An unmanned aircraft does not qualify as a recreational drone at any time during which it is carrying a payload other than equipment integral to its flight or its onboard sensor system.

4. (a) "Toy drone" shall mean a drone:

(i) operated exclusively in compliance with 49 U.S.C. 44809 and weighs 0.55 pounds or less on takeoff;

(ii) operated within the visual line of sight of the operator without the use of any other devices or other additional equipment;

(iii) is not equipped with any camera, video transmission system, or other sensor capable of recording or transmitting, imagery, audio, or geospatial data;

(iv) is operated solely for personal recreational purposes; and

(v) is not operated in connection with any business commercial, governmental, or surveillance activity.

(b) An unmanned aircraft does not qualify as a toy drone at any time during which it is carrying a payload other than equipment integral to its flight or its onboard sensor system.

5. "Prohibited space" shall mean any area within five hundred feet horizontally of the outer perimeter or boundary of the following locations, and the airspace (a) up to four hundred feet vertically above the surface of the ground within those boundaries, and (b) when not authorized by the federal aviation administration, at any distance vertically above those boundaries, of: an airport; state or federal military installation; state, local, or federal correctional facility; police station; fire department station; emergency services dispatch station; large public gathering, which shall mean an event where there are five hundred or more persons, and shall include but not be limited to festivals, concerts, or sporting events; any critical infrastructure, as defined in subdivision five of section eighty-six of the public

officers law; and any school as defined in subdivision ten of section eleven hundred twenty-five of the education law.