

NetChoice *Promoting Convenience, Choice, and Commerce on The Net*

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Representative Justin Slaughter, Chair
Assembly Judiciary Committee - Criminal
Illinois Assembly

RE: **Opposition to HB 2874 – Relating to Unmanned Aerial Vehicles.**

Dear Chair Slaughter and members of the Committee,

We ask you not to advance HB 2874.

We agree with the intent to install reasonable regulations regarding the use of drones. However, HB 2874 creates unintended consequences to legitimate personal and commercial uses of drones.

Drones hold tremendous promise for businesses, professionals, and hobbyists. In areas like real estate, security, agriculture, architecture, engineering, and delivery, drones can provide significant commercial benefits to consumers and businesses in both rural and urban areas.

However, passing HB 2874 would prevent Illinois residents from exploring many of these opportunities.

For example, HB 2874 would limit the ability of:

- Realtors using a drone to take pictures of a home.
- Farmers using a drone to monitor their crops.

HB 2874 lacks the appropriate scienter for operation of drones, includes overly broad definitions and limitations, and lacks necessary exceptions for emergency safety situations where a drone must enter private property.

There are concerns about over-penalization as HB 2874 holds operators strictly liable for flying over another's occupied home, even if the operator had no intent of invading the privacy of the individual.

Consider a realtor using a drone to take a picture of a condo building. Or consider an operator flying over a neighbor's house as part of a safety maneuver. HB 2874 would make such actions illegal.

Many other concerns about passing HB 2874 exist. Fortunately, Illinois has existing laws that already protect the privacy and safety of residents. In fact, the law being amended by HB 2874, likely already applies to drones -- 720 ILCS 5/26-4. And applying the existing law to drones avoids many of the unintended consequences of HB 2874.

Regarding flight restrictions, the US Department of Transportation already provides many limitations on drone operation such as height restrictions.

Instead of passing HB 2874 we suggest amending it to create clear rules for drone operators. We suggest replacing the existing bill text with the "Unmanned Aircraft Systems Act" (UASA) based on existing Michigan Law ([SB 992](#) 2016).

The UASA, available at NetChoice.org/DroneModel, enables the safe and lawful operation of drones by promoting accountability of operators, protecting privacy and property rights, and prescribing penalties for interference with first responders.

The UASA:

- Creates statewide standard allowing clarity for individuals and government.
- Recognizes licensing by FAA.
- Prohibits using a UAS to knowingly and intentionally:
 - Interfere with the official duties of first responders.
 - Harass, stalk, or violate restraining orders.
 - Recording an individual in a manner that invades the individual's reasonable expectation of privacy.
- Creates a process to register locations as critical infrastructure.

While we ask that you not adopt HB 2874, we welcome the opportunity to work with you on reasonable regulations that allow all to prosper.

Sincerely,



Carl Szabo

Vice President and General Counsel, NetChoice

NetChoice is a trade association of e-Commerce and online businesses. www.netchoice.org