

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

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Speaker Carl Heastie

New York Assembly

Albany, NY

RE: **Opposition to A 8377**

Dear Speaker Heastie and members of the Assembly,

We ask you not to advance A 8377.

We agree with the intent to install reasonable regulations on the use of unmanned aerial vehicles (UAV). However, A 8377 creates unintended consequences to legitimate personal and commercial uses of UAV and creates criminal penalties without requisite mens rea.

UAVs hold tremendous promise of hobbyists and businesses. From real estate to security, agriculture, architecture, engineering, and package delivery, UAVs can provide tremendous commercial benefits to consumers and businesses in both rural and urban areas.

However, passing A 8377 significantly limits New York residents from exploring many of these opportunities and criminalizes otherwise innocent activities.

For example, A 8377 reduces the ability of:

- Realtors to use a UAV to take pictures of a townhouse
- Farmers from using a UAV to take monitor their crops
- News media and film makers to record

A 8377 imposes a strict liability on the operator of a UAV where they can be found guilty even if there is no intent to operate recklessly. This new standard exposes your constituents to additional criminal liability.

Moreover, A 8377 also lacks necessary exceptions for emergency safety situations where a UAV must enter private property.

Fortunately, New York has existing laws that already protect the safety of residents. For example, New York already has a reckless endangerment law that protects against "conduct which creates a substantial risk of serious physical injury to another person."¹ Likewise, New York has laws addressing interference with first responders² and harassment³ which are already fully applicable to the use of UAS in New York.

Instead of passing A 8377 we suggest amending it to create clear rules for UAV operators. We suggest replacing the existing bill text with the "Unmanned Aircraft Systems Act" (UASA) based on existing Michigan Law ([SB 992](#) 2016).

¹ N.Y. Pen. Law § 120.20

² N.Y. Pen. Law § 195.05

³ N.Y. Pen. Law § 240.26

The UASA, available at NetChoice.org/DroneModel, enables the safe and lawful operation of UAVs 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 A 8377, 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

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