

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

Carl Szabo, Vice President and General Counsel  
1401 K St NW, Suite 502  
Washington, DC 20005  
202-420-7485  
[www.netchoice.org](http://www.netchoice.org)



January 29, 2019

Rep. Hudgins, Chair  
House Innovation, Technology & Economic Development Committee  
Olympia, WA

RE: **Opposition to HB 1341 – Relating to Unmanned Aerial Vehicles.**

Dear Chair Hudgins and members of the Committee,

We respectfully ask you not to advance HB 1341.

We agree with the intent to install reasonable regulations regarding the use of drones and to protect whales. However, HB 1341 improperly imposes the same restrictions on drones that are imposed on boats – leading to 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. Drones are even being used to save endangered whales.<sup>1</sup>

However, passing HB 1341 would prevent Washington residents from exploring many of these opportunities.

For example, HB 1341 would limit the ability of photographers filming ocean scenery and news media and film makers using a drone to record events as these drone operators might inadvertently and unknowingly fly within two foot-ball fields of an orca whale.

Today, RCW 77.15.740 prevents *boats* from sailing within 200 feet of a southern resident orca whale. This is reasonable as the presence of a boat can upset the waters near the whale.

But a 12lb drone flying in the air is certainly not the same as a 1,200lb boat cruising through the waters. They are very different vehicles with different level of disturbances to whales – so their treatment should likewise be different. However, HB 1341 ignores this dichotomy and treats the two very different things the same.

There are also concerns about over-penalization as HB 1341 holds operators strictly liable for flying within 2 football fields of a whale, even if the operator had no reason to know that the whale was there. Likewise, HB 1341 lacks an exception for emergency operation of a drone within 200 feet of a whale.

Instead of passing HB 1341 we suggest working with drone manufactures and drone operators. While we ask that you not adopt HB 1341, we welcome the opportunity to work with you on reasonable approaches 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](http://www.netchoice.org)

---

<sup>1</sup> *Drones for Good: rescue crews are using DJI tech to help save entangled whales - NOAA, Oceans Unmanned and DJI Team Up (May 30, 2018)*