

The logo for NetChoice, featuring the word "NetChoice" in a blue, sans-serif font.The logo for CompTIA, featuring the word "CompTIA" in a red, sans-serif font with a registered trademark symbol.The logo for TechNet, featuring a blue globe icon to the left of the word "TechNet" in a blue, sans-serif font. Below it is the tagline "The Voice of the Innovation Economy" in a smaller, black font.The logo for ctia, featuring the lowercase letters "ctia" in a black, sans-serif font. Below the letters are five teal dots of varying sizes, and the tagline "Everything Wireless" is written in a smaller, black font below the dots.

Rep. John Throll, Chair
41 Kimball Hill Rd.
Whitefield, NH 03598-3645

March 15, 2016

RE: Amending HB 602 – The Use of Drones

Dear Chair Throll and members of the committee:

We ask that you amend HB 602 to remove sections A:3 through A:6.

We understand the desire to impose restrictions on the use of UAVs. However, we worry that the limitations imposed on personal and commercial uses by HB 602 create unintended consequences that will ground many of your constituents' ability to fly their UAVs.

Fortunately, many of the concerns addressed in HB 602 A:3-A:6 are covered by existing laws. At the same time, the FAA and stakeholders are creating nationwide privacy and safety standards.

Creating unintended consequences for your constituents

Many of the private use restrictions in HB 602 come with unintended consequences. For example:

A:3(I) would eliminate the ability of concert venues and outdoor arenas to use UAVs for purposes of safety and security of attendees as it prohibits, "use [of] a drone to engage in automated surveillance."

A:3(II) would restrict a realtor from using a UAV to photograph the front of a condo-building without getting the consent of each resident within.

A:3(III) and A:6 would curtail the ability of UAV operators to operate their devices safely as flying a UAV with a camera and avoiding an obstacle could result in inadvertently flying over private land and taking photos. Since neither A:3(III) nor A:6 contain a mens rea, UAV operators would need to balance whether to collide with obstacles, or risk violating this prohibition.

Restricting freedoms of speech and the press

The ACLU and many other organizations recognize our first amendment rights to take picture of things in public view. However, HB 602 limits this right by requiring the UAV operators to get express consent before taking a picture in public.

Moreover, there is no protection for the use of UAV recorded images by news agencies.

Unworkable restrictions regarding "critical infrastructure"

We understand the goals of protecting critical infrastructure, however, the limitations imposed by HB 602 are unworkable for many of your constituents.

Due to the broad scope of the “Critical Infrastructure” definition, it is likely that New Hampshire citizens will unwittingly operate their UAV within 500 feet of such a device.

Consider the definition of critical infrastructure regarding “any transmission line that is owned in whole or in part by a utility regulated under state law.” This would mean New Hampshire residents couldn’t fly their UAV within 1.5 football fields of an above ground phone-line. In essence, they couldn’t fly their UAV in their own backyard if their home’s phone cables are above ground.

Work at federal level to create guidelines and regulations

Already the FAA¹ and multistakeholder groups have implemented and are developing guidelines and regulations concerning safety and privacy of UAV flight. And many of these guidelines already address prohibitions in HB 602.

The FAA restricts the ability of UAV operators to fly within 5 miles of an airport as addressed in A:4. And the FAA already requires registration and identification of UAVs as required by A:5.

By enshrining restriction already addressed though federal law, HB 602 A:4-5 risks creating conflicting laws that will confuse New Hampshire residents and impede their ability to comply with laws.

Concerns already addressed by existing laws

Fortunately, many of the restrictions imposed on your constituents by HB 602 A:3-6 are already addressed by existing New Hampshire laws.

Take, for example, 644-A:3(VI): “Any person that owns, uses, or exercises control over a drone in this state that causes injury to a person or a person’s property shall be liable for the injury.” This, of course, is already addressed by existing tort law.

Or consider, 644-A:3(VII) “No person shall use a drone to harass or stalk another person.” which is already addressed by New Hampshire’s anti-stalking laws.

Likewise, as addressed above, the restrictions of A:4 regarding flight near an airport and the identification requirements of A:5 are already addressed by FAA guidelines.

For all of these reasons we ask that you remove Sections A:3-6 from HB 602 and avoid creating unintended consequences, conflicting laws, and confusion for your constituents.

We appreciate your consideration of our views, and please let us know if we can provide further information.

Sincerely,



Carl Szabo
Policy Counsel, NetChoice



Kevin Callahan
Director, State Government Affairs –



Matt Mincieli
Executive Director, Northeast Region, TechNet



Bethanne Cooley
Director, State Legislative Affairs, CTIA

¹ See US Public Law 112-95, Title III, Subtitle B – Unmanned Aircraft Systems