



March 6, 2017

Sen. Richard C. Martinez, Chair  
New Mexico Senate  
490 Old Santa Fe Trail  
Santa Fe, NM 87501

RE: **SB 167 – Regulating the operation of drones**

Dear Chairman Martinez and members of the Judiciary Committee,

We ask you clarify the language of SB 167 regarding the scope of “person” in Section 3(B).

We agree with the intent to install reasonable regulations regarding the use of drones. However, SB 167 could create unintended consequences to legitimate personal and commercial uses of drones.

The language of Section 3(B) reads (emphasis added):

B. *A person*, state agency or political subdivision of the state shall not use a drone or unmanned aircraft to conduct surveillance of a person or of property owned by a person, a farm or an agricultural operation without the consent of that person, property owner, farm or agricultural operation.

However, while the rest of the bill appears to only apply to state and law enforcement use, this section appears to also apply to civilian use of drones by using the word “person.”

If the intent is to not apply SB 167 to consumer and commercial use of drones we ask that you amend the bill in the following way:

B. A ~~person~~, state agency or political subdivision of the state shall not use a drone or unmanned aircraft to conduct surveillance of a person or of property owned by a person, a farm or an agricultural operation without the consent of that person, property owner, farm or agricultural operation.

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, without this proposed amendment, SB 167 would prevent New Mexico residents from exploring many of these opportunities.

For example, SB 167 would limit the ability of:

- Realtors to use a drone to take pictures of a townhouse -- unless they obtain consent from all owners of adjacent units.
- Farmers from using a drone to take monitor their crops if it happens to fly into adjoining land belonging to someone else.

- News media and film makers to record since they would require consent from every venue over which they fly.

Fortunately, New Mexico has existing laws that already protect the privacy and safety of residents. For example, laws addressing stalking<sup>1</sup> and trespass<sup>2</sup> are already fully applicable to the use of drones in New Mexico.

We ask that you amend adopt SB 167, we welcome the opportunity to work with you on reasonable regulations that allow all to prosper.

Sincerely,

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<sup>1</sup> N.M. Code § 30-3A-3

<sup>2</sup> *Id.* § 30-14-1