

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

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Sen. Keith Regier, Chair
Montana Senate
PO Box 200500
Helena, MT 59620-0500

RE: *Opposition to SB 170 – An Act Providing Civil Penalties for Unauthorized Operation Of An Unmanned Aerial Vehicle Over Real Property; and Providing An Applicability Date*

Dear Chairman Regier and members of the Judiciary Committee,

We ask you not to advance SB 170.

We agree with the intent to install reasonable regulations regarding the use of drones. However, SB 170 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 SB 170 would prevent Montana residents from exploring many of these opportunities.

For example, SB 170 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.

SB 170 also lacks necessary exceptions for emergency safety situations where a drone must enter private property.

Fortunately, Montana has existing laws that already protect the privacy and safety of residents. For example, laws addressing stalking¹ and trespass² are already fully applicable to the use of drones in Montana.

Regarding the flight restrictions, the US Department of Transportation provides conflicting height restrictions.

Instead of passing SB 170 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).

¹ M.T. Code § 45-5-220

² *Id.* § 45-6-201

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 SB 170, we welcome the opportunity to work with you on reasonable regulations that allow all to prosper.

Sincerely,



Carl Szabo

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