

**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)



February 2, 2018

Senator Laura Ebke, Chairperson  
Judiciary Committee  
Nebraska Legislature  
1445 K St, Lincoln, NE 68508

RE: **Opposition to LB 693 – Relating to Unmanned Aerial Vehicles.**

Dear Chairperson Ebke and members of the Committee,

We ask you not to advance LB 693.

We agree with the intent to install reasonable regulations regarding the use of drones. However, LB 693 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.

For example, LB 693 would limit the ability of:

- Realtors using a drone to take pictures of a home.
- Farmers using a drone to monitor their crops.
- News media and film makers using a drone to record events.
- Wedding photographers using a drone to capture important family moments.

However, passing LB 693 would prevent Nebraska residents from exploring many of these opportunities.

LB 693 lacks the appropriate scienter for operation of drones, includes overly broad definitions and limitations, and lacks necessary exceptions for emergency safety situations where a drone must enter private property.

Take, for example, Section 9's limitation of flight over "critical infrastructure." While the drone operator would know that they are not authorized to operate near critical infrastructure, the drone operator might not know that a facility is critical infrastructure. This lack of proper mens rea would result in over criminalization of otherwise innocent operation.

Consider Section 8's trespass restrictions. Under this rubric, a farmer monitoring his crops via a drone who accidentally crosses into a neighbor's lands might violate this section.

Likewise, several other sections of LB 693 suffer from improper scienter requirements.

LB 693 also lacks exemptions for emergency operation of drones. Consider an operator who trespasses out of necessity to maintain safe operation of their drone. The strict liability nature of LB 693 would result in criminalization.

These are just a few of the problems with LB 693.

Fortunately, Nebraska already has existing laws that already protect the privacy and safety of residents.

Nebraska's existing laws addressing invasion of trespass,<sup>1</sup> privacy,<sup>2</sup> harassment,<sup>3</sup> and interference with first-responders<sup>4</sup> are already fully applicable to the use of drones in Nebraska.

Regarding flight restrictions, the US Department of Transportation already provides many limitations on drone operation such as height restrictions.

Instead of passing LB 693 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).

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 LB 693, 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

*NetChoice is a trade association of e-Commerce and online businesses.* [www.netchoice.org](http://www.netchoice.org)

---

<sup>1</sup> NE Rev. Stat. § 28-520

<sup>2</sup> *Id.* § 20-201

<sup>3</sup> *Id.* § 28-311.02

<sup>4</sup> *Id.* § 28-907