

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

Carl Szabo, Senior Policy Counsel  
1401 K St NW, Suite 502  
Washington, DC 20005  
202-420-7485

[www.netchoice.org](http://www.netchoice.org)



January 17, 2017

Rep. Carroll McGuire, Chair  
107 North Main Street  
Concord, New Hampshire, 03301

RE: **Opposition to HB 97 – An Act relative to the use of drones**

Dear Chairman McGuire and members of the Executive Departments and Administration Committee,

We ask you not to advance HB 97.

We agree with the intent to install reasonable regulations regarding the use of drones. However, HB 97 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 HB 97 would prevent New Hampshire residents from exploring many of these opportunities.

For example, HB 97 would block New Hampshire residents from:

- Flying a drone in their own backyard if they live within a football field's distance of a power line
- Use a drone's "follow feature" to capture video of their friends as they ride a bike, even with their consent.

At the same time HB 97 would prevent:

- Realtors from using a drone to take pictures of a townhouse -- unless they obtain consent from all owners of adjacent units.
- Insurance agents from using a drone to survey an accident scene near a power line or bridge.
- Farmers from using a drone to take monitor their crops if it happens to capture adjoining land belonging to someone else.

Fortunately, New Hampshire has existing laws that already protect the privacy and safety of residents. For example, laws addressing harassment,<sup>1</sup> battery,<sup>2</sup> and violations of privacy<sup>3</sup> are already fully applicable to the use of drones in New Hampshire.

Regarding critical infrastructure, the US Department of Transportation is set to act on § 2209, which provides states and localities to petition the Federal Aviation Authority (FAA) to certify no-fly zones over things such as infrastructure.

---

<sup>1</sup> N.H. Rev. Stat. Ann. §§ 633:1, 633:3-a

<sup>2</sup> *Id.* §§ 626:2, 631:2-a

<sup>3</sup> *Id.* § 644:9

Clearly, the prohibitions in HB 97 are unnecessary, and the bill's unintended consequences will harm New Hampshire businesses and citizens.

Instead of passing HB 97 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](http://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 HB 97, we welcome the opportunity to work with you on reasonable regulations that allow all to prosper.

Sincerely,



Carl Szabo

Senior Policy Counsel, NetChoice

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