

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

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Senator Charles Trump, Chair
Senate Judiciary Committee
Room 210W, Building 1
State Capitol Complex
Charleston, WV 25305

RE: **Opposition to SB 9 – Use Of Unmanned Aircraft Systems.**

Dear Chairman Trump and members of the Judiciary committee:

While well intentioned, we ask you not to advance SB 9, or in the alternative, amend SB 9 so that it mirrors the Unmanned Aircraft Systems Act.

We agree with the intent to install reasonable regulations regarding the use of drones. However, SB 9 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 9 would prevent West Virginia residents from exploring many of these opportunities – in part due to the lack of a mens rea standard for liability.

For example, SB 9 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.
- Insurance agents taking photos of a crash site in a public area.

SB 9 also lacks necessary exceptions for emergency safety situations where a drone must enter private property.

Fortunately, West Virginia has existing laws that already protect the privacy and safety of residents. For example, laws addressing harassment¹ and surveillance² are already fully applicable to the use of drones in West Virginia.

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

Instead of passing SB 9 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 W.V. Code § §61-2-9a

² *Id.* § 62-1D-1

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 9, 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