

1-1 By: Zaffirini S.B. No. 59
 1-2 (In the Senate - Filed November 12, 2018; February 1, 2019,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 25, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 25, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 59 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain images captured by an unmanned aircraft.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 423.002(a), Government Code, is amended
 1-24 to read as follows:
 1-25 (a) It is lawful to capture an image using an unmanned
 1-26 aircraft in this state:
 1-27 (1) for the purpose of professional or scholarly
 1-28 research and development or for another academic purpose by a
 1-29 person acting on behalf of an institution of higher education or a
 1-30 private or independent institution of higher education, as those
 1-31 terms are defined by Section 61.003, Education Code, including a
 1-32 person who:
 1-33 (A) is a professor, employee, or student of the
 1-34 institution; or
 1-35 (B) is under contract with or otherwise acting
 1-36 under the direction or on behalf of the institution;
 1-37 (2) in airspace designated as a test site or range
 1-38 authorized by the Federal Aviation Administration for the purpose
 1-39 of integrating unmanned aircraft systems into the national
 1-40 airspace;
 1-41 (3) as part of an operation, exercise, or mission of
 1-42 any branch of the United States military;
 1-43 (4) if the image is captured by a satellite for the
 1-44 purposes of mapping;
 1-45 (5) if the image is captured by or for an electric or
 1-46 natural gas utility or a telecommunications provider:
 1-47 (A) for operations and maintenance of utility or
 1-48 telecommunications facilities for the purpose of maintaining
 1-49 utility or telecommunications system reliability and integrity;
 1-50 (B) for inspecting utility or telecommunications
 1-51 facilities to determine repair, maintenance, or replacement needs
 1-52 during and after construction of such facilities;
 1-53 (C) for assessing vegetation growth for the
 1-54 purpose of maintaining clearances on utility or telecommunications
 1-55 easements; and
 1-56 (D) for utility or telecommunications facility
 1-57 routing and siting for the purpose of providing utility or
 1-58 telecommunications service;
 1-59 (6) with the consent of the individual who owns or
 1-60 lawfully occupies the real property captured in the image;

- 2-1 (7) pursuant to a valid search or arrest warrant;
- 2-2 (8) if the image is captured by a law enforcement
- 2-3 authority or a person who is under contract with or otherwise acting
- 2-4 under the direction or on behalf of a law enforcement authority:
- 2-5 (A) in immediate pursuit of a person law
- 2-6 enforcement officers have reasonable suspicion or probable cause to
- 2-7 suspect has committed an offense, not including misdemeanors or
- 2-8 offenses punishable by a fine only;
- 2-9 (B) for the purpose of documenting a crime scene
- 2-10 where an offense, not including misdemeanors or offenses punishable
- 2-11 by a fine only, has been committed;
- 2-12 (C) for the purpose of investigating the scene
- 2-13 of:
- 2-14 (i) a human fatality;
- 2-15 (ii) a motor vehicle accident causing death
- 2-16 or serious bodily injury to a person; or
- 2-17 (iii) any motor vehicle accident on a state
- 2-18 highway or federal interstate or highway;
- 2-19 (D) in connection with the search for a missing
- 2-20 person;
- 2-21 (E) for the purpose of conducting a high-risk
- 2-22 tactical operation that poses a threat to human life;
- 2-23 (F) of private property that is generally open to
- 2-24 the public where the property owner consents to law enforcement
- 2-25 public safety responsibilities; or
- 2-26 (G) of real property or a person on real property
- 2-27 that is within 25 miles of the United States border for the sole
- 2-28 purpose of ensuring border security;
- 2-29 (9) if the image is captured by state or local law
- 2-30 enforcement authorities, or a person who is under contract with or
- 2-31 otherwise acting under the direction or on behalf of state
- 2-32 authorities, for the purpose of:
- 2-33 (A) surveying the scene of a catastrophe or other
- 2-34 damage to determine whether a state of emergency should be
- 2-35 declared;
- 2-36 (B) preserving public safety, protecting
- 2-37 property, or surveying damage or contamination during a lawfully
- 2-38 declared state of emergency; or
- 2-39 (C) conducting routine air quality sampling and
- 2-40 monitoring, as provided by state or local law;
- 2-41 (10) at the scene of a spill, or a suspected spill, of
- 2-42 hazardous materials;
- 2-43 (11) for the purpose of fire suppression;
- 2-44 (12) for the purpose of rescuing a person whose life or
- 2-45 well-being is in imminent danger;
- 2-46 (13) if the image is captured by a Texas licensed real
- 2-47 estate broker in connection with the marketing, sale, or financing
- 2-48 of real property, provided that no individual is identifiable in
- 2-49 the image;
- 2-50 (14) from a height no more than eight feet above
- 2-51 ground level in a public place, if the image was captured without
- 2-52 using any electronic, mechanical, or other means to amplify the
- 2-53 image beyond normal human perception;
- 2-54 (15) of public real property or a person on that
- 2-55 property;
- 2-56 (16) if the image is captured by the owner or operator
- 2-57 of an oil, gas, water, or other pipeline for the purpose of
- 2-58 inspecting, maintaining, or repairing pipelines or other related
- 2-59 facilities, and is captured without the intent to conduct
- 2-60 surveillance on an individual or real property located in this
- 2-61 state;
- 2-62 (17) in connection with oil pipeline safety and rig
- 2-63 protection;
- 2-64 (18) in connection with port authority surveillance
- 2-65 and security;
- 2-66 (19) if the image is captured by a registered
- 2-67 professional land surveyor in connection with the practice of
- 2-68 professional surveying, as those terms are defined by Section
- 2-69 [1071.002](#), Occupations Code, provided that no individual is

3-1 identifiable in the image;

3-2 (20) if the image is captured by a professional
3-3 engineer licensed under Subchapter G, Chapter 1001, Occupations
3-4 Code, in connection with the practice of engineering, as defined by
3-5 Section 1001.003, Occupations Code, provided that no individual is
3-6 identifiable in the image; [~~or~~]

3-7 (21) if:

3-8 (A) the image is captured by an employee of an
3-9 insurance company or of an affiliate of the company in connection
3-10 with the underwriting of an insurance policy, or the rating or
3-11 adjusting of an insurance claim, regarding real property or a
3-12 structure on real property; and

3-13 (B) the operator of the unmanned aircraft is
3-14 authorized by the Federal Aviation Administration to conduct
3-15 operations within the airspace from which the image is captured; or

3-16 (22) if the image is:

3-17 (A) captured for the purpose of delivering
3-18 consumer goods that were ordered through an Internet website or
3-19 mobile application and the operator of the unmanned aircraft is
3-20 authorized by the Federal Aviation Administration to conduct
3-21 operations within the airspace from which the image is captured;
3-22 and

3-23 (B) not publicly disclosed, displayed, or
3-24 distributed.

3-25 SECTION 2. This Act takes effect September 1, 2019.

3-26

* * * * *