

# SENATE, No. 797

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

**Senator Greenstein**

**SYNOPSIS**

Requires certain drones to contain geo-fencing technology; makes violation a fourth degree crime.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning unmanned aerial vehicles and supplementing  
2 Title 2C of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. a. As used in this section:

8 “Surveillance” means the act of monitoring, observing,  
9 photographing, or recording.

10 “Unmanned aerial vehicle” means an aerial vehicle that uses  
11 aerodynamic forces to propel the vehicle and does not carry a  
12 human operator, and which is capable of flying autonomously or  
13 being piloted remotely and conducting surveillance as defined in  
14 this section.

15 b. Every unmanned aerial vehicle that is sold to or operated by  
16 a private individual or business entity in this State shall contain  
17 geo-fencing technology that prevents the unmanned aerial vehicle  
18 from operating above 500 feet and within two miles of an airport or  
19 protected airspace, including but not limited to, a stadium with a  
20 seating capacity of 30,000 or more people during a regular or post  
21 season Major League Baseball game, National Football League  
22 game, National Collegiate Athletic Association Division One  
23 football game, or a major motor speedway event.

24 The provisions of this section shall not apply to:

25 (1) members of a law enforcement agency; fire department;  
26 State, county, or municipal Office of Emergency Management; the  
27 Armed Forces of the United States; or the National Guard, while in  
28 the performance of official duties; or

29 (2) private individuals or business entities that have received  
30 authorization from the Federal Aviation Administration to operate  
31 an unmanned aerial vehicle pursuant to the “FAA Modernization  
32 and Reform Act of 2012,” Pub.L.112-95, provided the operation of  
33 the unmanned aerial vehicle complies with any operating conditions  
34 or limitations imposed by the Federal Aviation Administration.

35 c. A person who sells or operates an unmanned aerial vehicle  
36 in violation of the provisions of subsection b. of this section shall  
37 be guilty of a crime of the fourth degree.

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39 2. This act shall take effect immediately.

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STATEMENT

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44 This bill requires certain unmanned aerial vehicles, commonly  
45 referred to as drones, to contain geo-fencing technology and makes  
46 a violation of this provision a fourth degree crime.

47 Specifically, every drone that is sold to or operated by a private  
48 individual or business entity in this State is required to contain geo-

1 fencing technology that prevents the drone from flying above 500  
2 feet and within two miles of an airport or protected airspace.  
3 Protected airspace includes, but is not limited to, a stadium with a  
4 seating capacity of 30,000 or more people during a regular or post  
5 season Major League Baseball game, National Football League  
6 game, National Collegiate Athletic Association Division One  
7 football game, or a major motor speedway event.

8 These provisions do not apply to: 1) members of a law  
9 enforcement agency; fire department; State, county, or municipal  
10 Office of Emergency Management; the Armed Forces of the United  
11 States; or the National Guard, while in the performance of official  
12 duties; or 2) private individuals or business entities that have  
13 received authorization from the Federal Aviation Administration  
14 (FAA) to operate a drone pursuant to the “FAA Modernization and  
15 Reform Act of 2012,” provided the operation of the drone complies  
16 with any operating conditions or limitations imposed by the FAA.

17 Geo-fencing is a feature in a software program that uses the  
18 global positioning system or radio frequency identification to define  
19 geographical boundaries. A geo-fence is a virtual barrier.

20 This bill provides that a person who sells or operates a drone that  
21 does not contain the required geo-fencing technology is guilty of a  
22 fourth degree crime. A fourth degree crime is punishable by up to  
23 18 months imprisonment, a fine of up to \$10,000, or both.