

BILL ANALYSIS

Senate Research Center
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S.B. 838
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current state law prohibits the use of unmanned aircraft (colloquially, “drones”) to capture an image of a person or property with the intent to conduct surveillance. So-called “e-commerce” retail companies are exploring the use of drones to deliver merchandise, which could speed deliveries dramatically if eventually approved by the Federal Aviation Administration (FAA). It is anticipated that such companies would wish to retain images captured by those drones as proof of delivery, and, although the prohibition on drone surveillance arguably would not apply to such conduct, clarification is warranted lest Texas law be construed to prohibit a convenient, federally sanctioned practice.

S.B. 838 amends current law to make clear that the prohibition against drone surveillance does not apply to a person or entity the FAA has authorized to operate a drone for a commercial purpose, provided that the drone is operated in a manner that complies with that authorization.

As proposed, S.B. 838 amends current law relating to certain images captured by an unmanned aircraft.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 423.002(a), Government Code, as follows:

(a) Provides that it is lawful to capture an image using an unmanned aircraft in this state:

(1) to (4) makes no changes to these subdivisions;

(5) if the image is captured by a person operating the unmanned aircraft for a commercial purpose and in compliance with Federal Aviation Administration (FAA) regulations or exemptions and reasonably related to the commercial purpose, including images captured for purposes of navigation or public safety, rather than if the image is captured by or for an electric or natural gas utility for certain purposes;

(6) to (12) makes no changes to these subdivisions;

(13) deletes existing text of existing Subdivision (13) relating to images captured by a Texas licensed real estate broker in connection with the marketing, sale, or financing of real property provided that no individual is identifiable in the images; and redesignates existing Subdivision (14) as Subdivision (13);

(14) and (15) redesignates existing Subdivisions (15) and (16) as (14) and (15)

(16) deletes text of existing Subdivision (17) relating to images captured by the owner or operator of an oil, gas, water, or other pipeline for the purpose of

inspecting, maintaining, or repairing pipelines or other related facilities and is captured without the intent to conduct surveillance on an individual or real property located in this state, and redesignates existing Subdivision (18) as (16);

(17) redesignates existing Subdivision (19) as (17) . Deletes existing Subdivision (20) relating to images captured by a by a registered professional land surveyor in connection with the practice of professional surveying, provided that no individual is identifiable in the image. Deletes existing Subdivision (21) relating to images captured by a professional licensed engineer, in connection with the practice of engineering, provided that no individual is identifiable in the image.

SECTION 2. Effective date: September 1, 2017.