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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 77
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 77's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Rep. Willis

Local Impact Statement Procedure Required: No

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Highlights

- The bill's criminal prohibitions may generate a small number of additional misdemeanor and felony level cases for local criminal justice systems to adjudicate and sanction. For those charged with felonies and subsequently found guilty, the Department of Rehabilitation and Correction may experience a marginal increase in incarceration/supervision costs.
- The bill requires the Office of Aviation within the Department of Transportation to provide information and resources regarding unmanned aerial vehicle (UAV) usage. Any additional costs would be paid from the Highway Operating Fund (Fund 7002).
- The bill allows local governments to adopt resolutions or regulations of UAV usage over public property owned by the local government.

Detailed Analysis

Overview

The bill regulates the use of unmanned aerial vehicles (UAVs) pertaining to locations of launch and landing, and privacy matters. The bill establishes several prohibitions related to UAV usage, and related criminal penalties. The bill additionally requires the Office of Aviation within the Department of Transportation to provide additional resources pertaining to UAV usage and prohibitions.

Criminal provisions

The bill creates several prohibitions related to the private use of a UAV, with penalties for a violation of those prohibitions ranging from an unclassified misdemeanor to a third degree felony, depending on circumstances present. As a result, state and local criminal justice systems

may experience an increase in costs related to investigations, adjudicating additional cases, and sanctioning offenders.

Based on LBO conversations with statewide associations that represent various parts of the criminal justice system, including judges, prosecutors, and law enforcement, the number of additional cases generated by the bill is likely to be very small. The impact on the caseload and related expenditures for any given municipal or county court, or court of common pleas is expected to be no more than minimal annually. Similarly, any costs incurred by any given political subdivision or the Department of Rehabilitation and Correction to house or supervise a person sentenced for a violation of the bill's prohibitions is also likely to be no more than minimal annually.

The penalties for private use of a UAV, including maximum fines and potential terms of incarceration, are listed in the table below.

Penalties for Private Use of a UAV Violations			
Prohibition	Offense Level	Fine	Term of Incarceration
Operating a UAV or UAV system to intentionally photograph, record, or loiter over or near a critical facility in furtherance of a criminal offense.	Felony 4 th degree (first offense)	Up to \$5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term
	Felony 3 rd Degree (second or subsequent offense)	Up to \$10,000	12, 18, 24, 30, 36, 42, 48, 54, or 60 months definite prison term
Operating a UAV if federal law or federal regulations (including Federal Aviation Administration (FAA) regulations) prohibit that operation; additional federal penalties may still apply.	Misdemeanor 1 st degree	Up to \$1,000	Jail, not more than 180 days
Operating a UAV in a manner that interferes with the operations or activities conducted by law enforcement personnel, fire department personnel, or emergency medical services personnel (certain exceptions may apply).			
Operating a UAV in a careless or reckless manner that endangers any person or property or with willful or wanton disregard for other's rights or safety.	Unclassified misdemeanor	Up to \$500	Jail, not more than 6 months

Office of Aviation

The bill requires the Office of Aviation within the Ohio Department of Transportation (ODOT) to provide information and resources on the Office's website regarding the laws, regulations, prohibitions, and proper use of UAVs and UAV systems. Under the bill, the Office must provide picture examples of critical facilities to guide users as to what cannot be recorded, photographed, or loitered on or near a facility. Pictures or written examples must not identify the owner, operator, or location of the critical facility. The Office would incur some minimal cost increases for collecting and publishing any such related information. These costs would be paid from the Highway Operating Fund (Fund 7002) through appropriation line item (ALI) 777475, Aviation Administration.

Local government provisions

The bill authorizes local governments, subject to federal and state laws and regulations, to adopt ordinances, resolutions, or regulations regarding: (1) the use and operating of a UAV by the local government, and (2) the private use and operation of a UAV exclusively for hobby and recreational use in or above a park or other public property owned by the local government. There may also be a minimal increase in the annual criminal justice system costs of local governments that choose to utilize their authority under the bill to adopt ordinances, resolutions, or regulations related to the private use of a UAV.