

SENATE BILL NO. 280—SENATOR HAMMOND

MARCH 13, 2015

Referred to Committee on Transportation

SUMMARY—Enacts provisions governing the seizure and storage of unmanned aerial vehicles. (BDR 44-187)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to unmanned aerial vehicles; authorizing the seizure and storage of certain unmanned aerial vehicles; providing for the licensing and regulation of unmanned aerial vehicle storage facilities; providing for the retrieval of evidence from unmanned aerial vehicles that have been used in criminal activities; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the authority of police officers to seize and impound
2 certain vehicles without a warrant in certain circumstances. (NRS 482.540,
3 484B.320, 484E.060) Existing law also provides for the licensing and regulation of
4 certain businesses which receive such vehicles. (Chapter 487 of NRS) **Section 7** of
5 this bill provides that a peace officer may seize an unmanned aerial vehicle which
6 is found unattended or crashed or which has been used in a crime. **Section 7** also
7 provides that a peace officer may impound such an unmanned aerial vehicle in a
8 licensed storage facility. Finally, **section 7** requires a peace officer to obtain a
9 warrant before examining any recordings or other data stored on an unmanned
10 aerial vehicle.

11 **Section 8** of this bill provides that an unmanned aerial vehicle storage facility
12 which is licensed may release a stored unmanned aerial vehicle to its owner under
13 certain circumstances. **Section 8** also provides that an unmanned aerial vehicle
14 storage facility may charge a storage fee and may sell unclaimed unmanned aerial
15 vehicles under certain circumstances.

16 **Section 9** of this bill requires that an unmanned aerial vehicle storage facility
17 be licensed by the Department of Motor Vehicles. **Sections 10-15** of this bill
18 provide for the licensing of those facilities.



19 **Section 16** of this bill requires unmanned aerial vehicle storage facilities to
20 keep certain records. **Section 17** of this bill authorizes the Department of Motor
21 Vehicles to adopt regulations governing those facilities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Title 44 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 17, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3, 4 and 5 of this*
6 *act have the meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Department” means the Department of Motor*
8 *Vehicles.*

9 **Sec. 4.** *“Unmanned aerial vehicle” means a powered*
10 *aircraft, including, without limitation, a fixed-wing or rotary-wing*
11 *aircraft of any size, without a human operator aboard and which*
12 *is controlled remotely or autonomously.*

13 **Sec. 5.** *“Unmanned aerial vehicle storage facility” means an*
14 *indoor storage facility licensed under this chapter for the*
15 *impoundment and storage of unmanned aerial vehicles seized by a*
16 *law enforcement agency.*

17 **Sec. 6.** *The provisions of this chapter do not apply to any*
18 *unmanned aerial vehicle owned or operated by:*

19 1. *Any state or local governmental agency; or*

20 2. *The Armed Forces of the United States or a reserve*
21 *component thereof, the National Guard or a department or agency*
22 *of the Federal Government.*

23 **Sec. 7.** 1. *Any peace officer may, without a warrant, seize*
24 *and take possession of an unmanned aerial vehicle which:*

25 (a) *Is found crashed, grounded, disabled or abandoned and for*
26 *which the owner is not readily identifiable; or*

27 (b) *The officer has probable cause to believe has been used in*
28 *a criminal offense and which the officer reasonably believes is, or*
29 *contains, evidence thereof.*

30 2. *An unmanned aerial vehicle seized pursuant to subsection*
31 *1 may be taken for storage to:*

32 (a) *An unmanned aerial vehicle storage facility; or*

33 (b) *Any evidence or property area of a law enforcement*
34 *agency, as authorized, if safe and practicable to do so.*

35 3. *Except as otherwise provided in subsection 2, any*
36 *unmanned aerial vehicle seized pursuant to paragraph (a) of*
37 *subsection 1 must be treated as lost property pursuant to the*



1 *policies of the receiving law enforcement agency and in*
2 *accordance with the provisions of NRS 600.100.*

3 *4. A peace officer may remove any contraband or other*
4 *payload onboard an unmanned aerial vehicle before storing the*
5 *unmanned aerial vehicle as provided in subsection 2.*

6 *5. A peace officer shall obtain a warrant before examining*
7 *any recordings or other data stored on an unmanned aerial*
8 *vehicle seized pursuant to paragraph (b) of subsection 1.*

9 *6. A peace officer may, without a warrant, examine any*
10 *recordings or other data stored on an unmanned aerial vehicle*
11 *seized pursuant to paragraph (a) of subsection 1 as may be*
12 *reasonable to ascertain the ownership of the unmanned aerial*
13 *vehicle.*

14 **Sec. 8. 1. An unmanned aerial vehicle storage facility may**
15 **release an unmanned aerial vehicle seized pursuant to paragraph**
16 **(a) of subsection 1 of section 7 of this act to the owner of the**
17 **vehicle if the owner:**

18 *(a) Submits to the law enforcement agency that seized the*
19 *unmanned aerial vehicle written authorization to release the*
20 *unmanned aerial vehicle;*

21 *(b) Presents adequate proof of ownership or is otherwise able*
22 *to provide information or other evidence satisfactory to the law*
23 *enforcement agency that he or she is the rightful owner of the*
24 *unmanned aerial vehicle; and*

25 *(c) Pays the storage fee adopted by the Department pursuant to*
26 *section 17 of this act.*

27 **2. An unmanned aerial vehicle storage facility may release an**
28 **unmanned aerial vehicle seized pursuant to paragraph (b) of**
29 **subsection 1 of section 7 of this act to the owner of the vehicle, if**
30 **the owner:**

31 *(a) Submits to the law enforcement agency that seized the*
32 *unmanned aerial vehicle written authorization to release the*
33 *unmanned aerial vehicle;*

34 *(b) Submits adequate proof of ownership or is otherwise able*
35 *to provide information or other evidence satisfactory to the law*
36 *enforcement agency that he or she is the rightful owner of the*
37 *unmanned aerial vehicle; and*

38 *(c) If a criminal conviction is obtained resulting from the*
39 *seizure of the unmanned aerial vehicle, pays the storage fee*
40 *adopted by the Department pursuant to section 17 of this act.*

41 **3. If an unmanned aerial vehicle is seized pursuant to**
42 **paragraph (b) of subsection 1 of section 7 of this act and no**
43 **criminal conviction is obtained, the law enforcement agency that**
44 **seized the unmanned aerial vehicle shall pay any fees for the**
45 **storage of the vehicle.**



1 4. *If an unmanned aerial vehicle is not claimed and released*
2 *pursuant to this section, an unmanned aerial vehicle storage*
3 *facility may sell the unmanned aerial vehicle or disassemble the*
4 *vehicle and sell its parts upon:*

5 (a) *Obtaining a release from the law enforcement agency that*
6 *seized the unmanned aerial vehicle; and*

7 (b) *The expiration of 180 days after the unmanned aerial*
8 *vehicle was stored at the facility.*

9 5. *The proceeds of the sale of any unmanned aerial vehicle*
10 *pursuant to this section shall be deemed to satisfy any outstanding*
11 *storage fees for that vehicle. Any amount in excess of the*
12 *outstanding storage fees, less reasonable fees for the sale of the*
13 *unmanned aerial vehicle, must be distributed as follows:*

14 (a) *If there are any liens against the unmanned aerial vehicle,*
15 *the excess proceeds must be used to pay the liens.*

16 (b) *If any money remains after the payment of liens, if any, the*
17 *excess money must be returned to the identified owner of the*
18 *unmanned aerial vehicle.*

19 (c) *If there is no identifiable owner of the unmanned aerial*
20 *vehicle, any excess money may be retained by the unmanned*
21 *aerial vehicle storage facility.*

22 6. *Before selling an unmanned aerial vehicle pursuant to this*
23 *section, an unmanned aerial vehicle storage facility shall, to the*
24 *extent possible, delete or otherwise remove any recordings or other*
25 *data stored on the vehicle.*

26 **Sec. 9. 1.** *It is a misdemeanor for any person to operate an*
27 *unmanned aerial vehicle storage facility without obtaining a*
28 *license for the unmanned aerial vehicle storage facility from the*
29 *Department.*

30 2. *An application for a license must be made on a form*
31 *provided by the Department, include the social security number of*
32 *the applicant and be accompanied by such proof as the*
33 *Department may require that the applicant owns or leases and will*
34 *conduct business from a permanent location with at least 5,000*
35 *square feet of land which is surrounded by a screened fence that is*
36 *at least 6 feet high.*

37 **Sec. 10. 1.** *An applicant for the issuance or renewal of a*
38 *license issued pursuant to this chapter shall submit to the*
39 *Department the statement prescribed by the Division of Welfare*
40 *and Supportive Services of the Department of Health and Human*
41 *Services pursuant to NRS 425.520. The statement must be*
42 *completed and signed by the applicant.*

43 2. *The Department shall include the statement required*
44 *pursuant to subsection 1 in:*



1 (a) *The application or any other forms that must be submitted*
2 *for the issuance or renewal of the license; or*

3 (b) *A separate form prescribed by the Department.*

4 3. *A license may not be issued or renewed by the Department*
5 *pursuant to this chapter if the applicant:*

6 (a) *Fails to submit the statement required pursuant to*
7 *subsection 1; or*

8 (b) *Indicates on the statement submitted pursuant to*
9 *subsection 1 that the applicant is subject to a court order for the*
10 *support of a child and is not in compliance with the order or a*
11 *plan approved by the district attorney or other public agency*
12 *enforcing the order for the repayment of the amount owed*
13 *pursuant to the order.*

14 4. *If an applicant indicates on the statement submitted*
15 *pursuant to subsection 1 that the applicant is subject to a court*
16 *order for the support of a child and is not in compliance with the*
17 *order or a plan approved by the district attorney or other public*
18 *agency enforcing the order for the repayment of the amount owed*
19 *pursuant to the order, the Department shall advise the applicant to*
20 *contact the district attorney or other public agency enforcing the*
21 *order to determine the actions that the applicant may take to*
22 *satisfy the arrearage.*

23 **Sec. 11.** 1. *If the Department receives a copy of a court*
24 *order issued pursuant to NRS 425.540 that provides for the*
25 *suspension of all professional, occupational and recreational*
26 *licenses, certificates and permits issued to a person who is the*
27 *holder of a license issued pursuant to this chapter, the Department*
28 *shall deem the license issued to that person to be suspended at the*
29 *end of the 30th day after the date on which the court order was*
30 *issued unless the Department receives a letter issued to the holder*
31 *of the license by the district attorney or other public agency*
32 *pursuant to NRS 425.550 stating that the holder of the license has*
33 *complied with the subpoena or warrant or has satisfied the*
34 *arrearage pursuant to NRS 425.560.*

35 2. *The Department shall reinstate a license issued pursuant to*
36 *this chapter that has been suspended by a district court pursuant*
37 *to NRS 425.540 if the Department receives a letter issued by the*
38 *district attorney or other public agency pursuant to NRS 425.550*
39 *to the person whose license was suspended stating that the person*
40 *whose license was suspended has complied with the subpoena or*
41 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

42 **Sec. 12.** 1. *The Department shall not issue a license for an*
43 *unmanned aerial vehicle storage facility until the applicant has*
44 *filed with the Department a good and sufficient bond in the*
45 *amount of \$25,000, with a corporate surety thereon licensed to do*



1 *business in the State of Nevada, approved as to form by the*
2 *Attorney General, and conditioned that the applicant conducts*
3 *business as an unmanned aerial vehicle storage facility without*
4 *fraud or fraudulent representation, and without violation of the*
5 *provisions of this chapter. The Department may, by agreement*
6 *with any unmanned aerial vehicle storage facility which has been*
7 *licensed for 5 years or more by the Department, reduce the*
8 *amount of the bond, if the business of that facility has been*
9 *conducted satisfactorily for the preceding 5 years, but no bond*
10 *may be in an amount less than \$5,000.*

11 *2. The bond may be continuous in form and the total*
12 *aggregate liability on the bond must be limited to the payment of*
13 *the total amount of the bond.*

14 *3. The bond must provide that any person injured by the*
15 *action of the unmanned aerial vehicle storage facility in violation*
16 *of any of the provisions of this chapter may apply to the Director*
17 *of the Department for compensation from the bond. The Director,*
18 *for good cause shown and after notice and opportunity for*
19 *hearing, may determine the amount of compensation and the*
20 *person to whom it is to be paid. The surety shall then make the*
21 *payment.*

22 *4. In lieu of a bond an applicant may deposit with the*
23 *Department, under the terms prescribed by the Department:*

24 *(a) A like amount of money or bonds of the United States or of*
25 *the State of Nevada of an actual market value of not less than the*
26 *amount fixed by the Department; or*

27 *(b) A savings certificate of a bank, credit union or savings and*
28 *loan association situated in Nevada, which must indicate an*
29 *account of an amount equal to the amount of the bond which*
30 *would otherwise be required by this section and that this amount is*
31 *unavailable for withdrawal except upon order of the Department.*
32 *Interest earned on the certificate accrues to the account of the*
33 *applicant.*

34 *5. A deposit made pursuant to subsection 4 may be disbursed*
35 *by the Director of the Department, for good cause shown and after*
36 *notice and opportunity for hearing, in an amount determined by*
37 *the Director to compensate a person injured by an action of the*
38 *licensee, or released upon receipt of:*

39 *(a) A court order requiring the Director to release all or a*
40 *specified portion of the deposit; or*

41 *(b) A statement signed by the person in whose name the*
42 *deposit is made and acknowledged before any person authorized to*
43 *take acknowledgments in this State, requesting the Director to*
44 *release the deposit, or a specified portion thereof, and stating the*
45 *purpose for which the release is requested.*



1 6. *When a deposit is made pursuant to subsection 4, liability*
2 *under the deposit is in the amount prescribed by the Department.*
3 *If the amount of the deposit is reduced or there is an outstanding*
4 *judgment for which the licensee is liable under the deposit, the*
5 *license is automatically suspended. The license must be reinstated*
6 *if the licensee:*

7 (a) *Files an additional bond pursuant to subsection 1;*

8 (b) *Restores the deposit with the Department to the original*
9 *amount required under this section; or*

10 (c) *Satisfies the outstanding judgment for which he or she is*
11 *liable under the deposit.*

12 7. *A deposit made pursuant to subsection 4 may be refunded:*

13 (a) *By order of the Director of the Department, 3 years after*
14 *the date the licensee ceases to be licensed by the Department, if the*
15 *Director is satisfied that there are no outstanding claims against*
16 *the deposit; or*

17 (b) *By order of court, at any time within 3 years after the date*
18 *the licensee ceases to be licensed by the Department, upon*
19 *evidence satisfactory to the court that there are no outstanding*
20 *claims against the deposit.*

21 8. *Any money received by the Department pursuant to*
22 *subsection 4 must be deposited with the State Treasurer for credit*
23 *to the Motor Vehicle Fund.*

24 **Sec. 13.** *1. The Department may approve or reject an*
25 *application for a license to operate an unmanned aerial vehicle*
26 *storage facility. If the Department receives the statement required*
27 *pursuant to section 10 of this act and approves the application, the*
28 *Department shall issue to the applicant a license containing the*
29 *applicant's name and address, the name under which the business*
30 *is to be conducted, the business address and a distinguishing*
31 *number assigned to the applicant.*

32 2. *A licensee shall post the license in a conspicuous place*
33 *clearly visible to the general public at the business address set*
34 *forth on the license.*

35 3. *A license expires on April 30 of each year.*

36 4. *A licensee may renew the license by submitting to the*
37 *Department:*

38 (a) *A completed application for renewal upon a form supplied*
39 *by the Department;*

40 (b) *The statement required pursuant to section 10 of this act;*
41 *and*

42 (c) *The fee for renewal of a license provided in section 14 of*
43 *this act.*

44 **Sec. 14.** *1. The fee for the issuance or renewal of a license*
45 *to operate an unmanned aerial vehicle storage facility is \$100.*



1 2. *Fees collected by the Department pursuant to this section*
2 *must be deposited with the State Treasurer for credit to the Motor*
3 *Vehicle Fund.*

4 **Sec. 15.** 1. *The Department may suspend, revoke or refuse*
5 *to issue or renew a license for an unmanned aerial vehicle storage*
6 *facility for any reason determined by the Director of the*
7 *Department to be in the best interest of the public, including,*
8 *without limitation, any determination that the licensee or*
9 *applicant:*

10 (a) *Is not lawfully entitled to a license;*

11 (b) *Has made, or knowingly or negligently permitted, any*
12 *illegal use of an existing license;*

13 (c) *Has failed to comply with any provision of this chapter or*
14 *any regulations adopted pursuant thereto;*

15 (d) *Has made any false or misleading statements in an*
16 *application or in any records required by this chapter or any*
17 *regulations adopted pursuant thereto; or*

18 (e) *Has been convicted of a felony.*

19 2. *An applicant or licensee may, within 30 days after receipt*
20 *of the notice of refusal, suspension or revocation, as applicable,*
21 *petition the Department in writing for a hearing.*

22 3. *Hearings under this section and appeals therefrom must be*
23 *conducted in the manner prescribed in NRS 482.353 and 482.354.*

24 4. *If an application for a license to operate an unmanned*
25 *aerial vehicle storage facility is denied, the applicant may not*
26 *submit another application for at least 6 months after the date of*
27 *the denial.*

28 5. *The Department may refuse to review a subsequent*
29 *application for a license to operate an unmanned aerial vehicle*
30 *storage facility that is submitted by any person who violates any*
31 *provision of this chapter.*

32 **Sec. 16.** 1. *Each unmanned aerial vehicle storage facility*
33 *shall maintain a record of all unmanned aerial vehicles acquired,*
34 *released, disassembled and sold. The records must be open to*
35 *inspection during business hours by any peace officer or*
36 *investigator of the Department.*

37 2. *Records maintained pursuant to subsection 1 must be*
38 *retained by the licensee for a period of at least 3 years.*

39 **Sec. 17.** *The Department shall adopt regulations governing*
40 *the operations of unmanned aerial vehicle storage facilities,*
41 *including, without limitation, the provision of security of those*
42 *facilities, any storage fees and the handling of lithium-ion*
43 *batteries and other potentially hazardous materials.*



1 **Sec. 18.** Section 9 of this act is hereby amended to read as
2 follows:

3 Sec. 9. 1. It is a misdemeanor for any person to
4 operate an unmanned aerial vehicle storage facility without
5 obtaining a license for the unmanned aerial vehicle storage
6 facility from the Department.

7 2. An application for a license must be made on a form
8 provided by the Department ~~[, include the social security~~
9 ~~number of the applicant]~~ and be accompanied by such proof
10 as the Department may require that the applicant owns or
11 leases and will conduct business from a permanent location
12 with at least 5,000 square feet of land which is surrounded by
13 a screened fence that is at least 6 feet high.

14 **Sec. 19.** Section 13 of this act is hereby amended to read as
15 follows:

16 Sec. 13. 1. The Department may approve or reject an
17 application for a license to operate an unmanned aerial
18 vehicle storage facility. If ~~[the Department receives the~~
19 ~~statement required pursuant to section 10 of this act and~~
20 ~~approves the application.] approved,~~ the Department shall
21 issue to the applicant a license containing the applicant's
22 name and address, the name under which the business is to be
23 conducted, the business address and a distinguishing number
24 assigned to the applicant.

25 2. A licensee shall post the license in a conspicuous
26 place clearly visible to the general public at the business
27 address set forth on the license.

28 3. A license expires on April 30 of each year.

29 4. A licensee may renew the license by submitting to the
30 Department:

31 (a) A completed application for renewal upon a form
32 supplied by the Department;

33 (b) The statement required pursuant to section 10 of this
34 act; and

35 (c) The fee for renewal of a license provided in section 14
36 of this act.

37 **Sec. 20.** 1. This section and sections 1 to 17, inclusive, of
38 this act become effective:

39 (a) Upon passage and approval for the purpose of adopting
40 regulations and performing any other preparatory administrative
41 tasks that are necessary to carry out the provisions of this act; and

42 (b) On January 1, 2016, for all other purposes.

43 2. Sections 18 and 19 of this act become effective on the date
44 on which the provisions of 42 U.S.C. § 666 requiring each state to
45 establish procedures under which the state has authority to withhold



1 or suspend, or to restrict the use of professional, occupational and
2 recreational licenses of persons who:

3 (a) Have failed to comply with a subpoena or warrant relating to
4 a proceeding to determine the paternity of a child or to establish or
5 enforce an obligation for the support of a child; or

6 (b) Are in arrears in the payment for the support of one or more
7 children,

8 ➤ are repealed by the Congress of the United States.

9 3. Sections 10 and 11 of this act expire by limitation on the
10 date on which the provisions of 42 U.S.C. § 666 requiring each state
11 to establish procedures under which the state has authority to
12 withhold or suspend, or to restrict the use of professional,
13 occupational and recreational licenses of persons who:

14 (a) Have failed to comply with a subpoena or warrant relating to
15 a proceeding to determine the paternity of a child or to establish or
16 enforce an obligation for the support of a child; or

17 (b) Are in arrears in the payment for the support of one or more
18 children,

19 ➤ are repealed by the Congress of the United States.



