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# HOUSE BILL No. 1064

Proposed Changes to introduced printing by AM106402

## DIGEST OF PROPOSED AMENDMENT

Unmanned aerial vehicles. Exempts certain persons from the unmanned aerial vehicle statute.

A BILL FOR AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 10-19-2-2, AS AMENDED BY P.L.187-2021,  
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 2. (a) The department shall do the following:  
4 (1) Develop a single strategic plan for preparing for and  
5 responding to homeland security emergencies.  
6 (2) Assess state and local security needs.  
7 (3) Administer all state emergency management and response  
8 training programs.  
9 (4) Administer the state's emergency operations functions during  
10 an emergency.  
11 (5) Administer the following:  
12 (A) IC 10-14.  
13 (B) IC 16-31.  
14 (C) IC 22-11.  
15 (D) IC 22-12.  
16 (E) IC 22-13.  
17 (F) IC 22-14.  
18 (G) IC 22-15.  
19 (6) **Develop and administer a program to verify liability**  
20 **insurance policies described in IC 32-40-5-1.**  
21 (b) The executive director may organize the personnel and

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1       functions of the department into divisions and subdivisions to carry out  
 2       the executive director's powers and duties and the powers and duties of  
 3       the department. The executive director may periodically consolidate,  
 4       divide, or abolish divisions and subdivisions as is necessary to carry  
 5       out those powers and duties.

6       SECTION 2. IC 32-40 IS ADDED TO THE INDIANA CODE AS  
 7       A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 8       2026]:

9       **ARTICLE 40. UNMANNED AERIAL VEHICLES**

10      **Chapter 1. Applicability**

11      **Sec. 1. (a) This article applies to unmanned aerial vehicles  
 12       operating at or below an altitude of four hundred (400) feet.**

13      **(b) This article does not apply to any of the following:**

14       **(1) Emergency responders, including:**

- 15           **(A) a firefighter;**
- 16           **(B) an emergency medical person; or**
- 17           **(C) a member of a search and rescue team or mission.**

18       **(2) Law enforcement's use of an unmanned aerial vehicle  
 19       under IC 35-33-5.**

20       **(3) FAA certified airspace transit.**

21       **(4) Any regulatory entity for purposes of licensure  
 22       inspections.**

23       **(5) An individual if the individual:**

- 24           **(A) is only operating the unmanned aerial vehicle over  
 25       the individual's property; or**
- 26           **(B) is acting on behalf of:**

- 27            **(i) the federal government;**
- 28            **(ii) the state; or**
- 29            **(iii) a local government;**

30       **for a government or military purpose.**

31       **I (6) A public utility (as defined in IC 8-1-2-1) that provides  
 32       electric service if the public utility's use of an unmanned  
 33       aerial vehicle is for the purpose of installing, servicing,  
 34       maintaining, or inspecting critical infrastructure.**

35       **(7) A person conducting an otherwise lawful agricultural  
 36       operation, which may include incidental or brief overflight  
 37       of a property boundary that is necessary to service an  
 38       adjacent property.**

39       **(8) An insurer using the unmanned aerial vehicle for the  
 40       purpose of either:**

41           **(A) investigating a policy claim on; or**

42           **(B) underwriting a property insurance policy for;**

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1                   the property over which the unmanned aerial vehicle is being  
 2                   operated.

3                   (9) Either:

4                   (A) an offeror; or

5                   (B) a subcontractor of the offeror;

6                   for the purpose of preparing a potential proposal in response  
 7                   to a governmental body's request for proposals under  
 8                   IC 5-23-5.

9                   (10) A person operating an unmanned aerial vehicle over:

10                   (A) a public right-of-way; or

11                   (B) an easement, including a utility easement, for which  
 12                   the person has an interest in.

13                   **1 Chapter 2. Definitions**

14                   **Sec. 1. The definitions in this chapter apply throughout this**  
 15                   **article.**

16                   **Sec. 2. "Enclosed curtilage" refers to the area immediately**  
 17                   **surrounding a dwelling, including a fenced in yard or any other**  
 18                   **space shielded from public view, where a person has a reasonable**  
 19                   **expectation of privacy.**

20                   **Sec. 3. "Liability insurance" refers to an insurance policy that**  
 21                   **covers property damages and bodily injury caused by an**  
 22                   **unmanned aerial vehicle.**

23                   **Sec. 4. "Unmanned aerial vehicle" means an aircraft that does**  
 24                   **not carry a human operator and that is capable of flight under**  
 25                   **remote control or autonomous programming. The term includes**  
 26                   **the following:**

27                   **(1) An unmanned aircraft and an unmanned aircraft system**  
 28                   **(both as defined in the Federal Aviation Administration**  
 29                   **Modernization and Reform Act of 2012 (P.L.112-95, 126**  
 30                   **Stat. 11)).**

31                   **(2) A small unmanned aircraft and a small unmanned**  
 32                   **aircraft system (both as defined in 14 CFR 107.3).**

33                   **Chapter 3. Civil Actions Involving Unmanned Aerial Vehicles**

34                   **Sec. 1. (a) Repeatedly operating an unmanned aerial vehicle**  
 35                   **over private real property without the property owner's**  
 36                   **permission is a nuisance.**

37                   **(b) A person who knowingly or intentionally violates this**  
 38                   **section commits a Class A misdemeanor.**

39                   **Sec. 2. The following actions are considered a civil trespass for**  
 40                   **purposes of this chapter if done without the property owner's**  
 41                   **permission:**

42                   **(1) Operating an unmanned aerial vehicle not more than one**



**hundred (100) feet above:**

- (A) ground level over; or**
- (B) a permanent structure located on;**

**private real property.**

**(2) Landing an unmanned aerial vehicle on private real property.**

**Sec. 3. (a)** A person may bring an action under this chapter if the person's:

- (1) property is injuriously affected; or**
- (2) personal enjoyment is lessened;**

by a nuisance described in section 1(a) of this chapter or a civil trespass described in section 2 of this chapter.

(b) A person that successfully defends an action under this section is entitled to reasonable costs and attorney's fees incurred in defending the action.

**Sec. 4. A court may do any one (1) or more of the following:**

**(1) Issue an injunction.**

**(2) Award damages, including punitive damages.**

(3) Impose a civil penalty not greater than one thousand dollars (\$1,000) per incident. However, a civil penalty under this subdivision may be increased to not greater than five thousand dollars (\$5,000) per incident if the incident involved operating an unmanned aerial vehicle over:

(A) livestock;

**(B) a farm building;**

(C) a farm worker; or

(D) any farm equipment.

## **Chapter 4. Crimes Involving Unmanned Aerial Vehicles**

**Sec. 1. (a) A person who knowingly or intentionally operates an unmanned aerial vehicle over or inside any of the following locations commits a Class A misdemeanor:**

**(1) A school when children are present.**

**(2) A playground when children are present.**

**(3) A child care facility when children are present**

**(4) A penal facility or a juvenile facility.**

**(5) A private dwelling, including any enclosed curtilage.**

(6) A confined space such as a livestock barn.

(b) It is a defense to a prosecution under this section that the person who engaged in the conduct prohibited by subsection (a) had express consent.

**Sec. 2. (a) A person who knowingly or intentionally operates an unmanned aerial vehicle over:**



(1) animals or livestock; or

(2) agricultural workers in a field or barn;

commits a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that the person who engaged in the conduct prohibited by subsection (a) had the property owner's permission.

**Sec. 3. (a) A person who knowingly or intentionally uses an unmanned aerial vehicle to:**

- (1) record video or audio of;**
- (2) collect:**

(1) record video or audio of;

## (2) collect:

(A) visual;

(B) audio; or

(C) thermal;

data regarding; or  
(3) photograph; an individual or area of private real property without the individual's or property owner's permission commits a Class A misdemeanor.

**(b) The offense under subsection (a) is a level 6 felony if the subject of the recording, data, or photograph involves critical infrastructure for agriculture or energy.**

(c) It is a defense to a prosecution under this section that the person who engaged in the conduct prohibited by subsection (a) or (b) had the property owner's permission.

## Chapter 5. Liability Insurance

**Sec. 1. A person who operates an unmanned aerial vehicle that is at least fifty-five (55) pounds must purchase and maintain liability insurance.**

SECTION 3. IC 35-52-32-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 5. IC 32-40-3-1 defines a crime concerning repeated operation of an unmanned aerial vehicle over private real property without permission.**

SECTION 4. IC 35-52-32-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. IC 32-40-4-1 defines a crime concerning operation of an unmanned aerial vehicle over prohibited places.**

SECTION 5. IC 35-52-32-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 5.2. IC 32-40-4-2 defines a crime concerning operation of an unmanned aerial vehicle over animals,**

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1       **livestock, or agricultural workers.**

2       SECTION 6. IC 35-52-32-5.3 IS ADDED TO THE INDIANA  
3       CODE AS A NEW SECTION TO READ AS FOLLOWS  
4       [EFFECTIVE JULY 1, 2026]: Sec. 5.3. IC 32-40-4-3 defines a crime  
5       concerning operation of an unmanned aerial vehicle to collect  
6       recordings, data, or photographs.1

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