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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:*

SECTION 1. IC 10-19-2-2, AS AMENDED BY P.L.187-2021, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The department shall do the following:

(1) Develop a single strategic plan for preparing for and responding to homeland security emergencies.

(2) Assess state and local security needs.

(3) Administer all state emergency management and response training programs.

(4) Administer the state's emergency operations functions during an emergency.

(5) Administer the following:

(A) IC 10-14.

(B) IC 16-31.

(C) IC 22-11.

(D) IC 22-12.

(E) IC 22-13.

(F) IC 22-14.

(G) IC 22-15.

(6) Develop and administer a program to verify liability insurance policies described in IC 32-40-5-1.

(b) The executive director may organize the personnel and

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

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

## **ARTICLE 40. UNMANNED AERIAL VEHICLES**

### **Chapter 1. Applicability**

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

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

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

**(A) a firefighter;**

**(B) an emergency medical person; or**

**(C) a member of a search and rescue team or mission.**

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

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

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

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

**(A) is only operating the unmanned aerial vehicle over the individual's property; or**

**(B) is acting on behalf of:**

**(i) the federal government;**

**(ii) the state; or**

**(iii) a local government;**

**for a government or military purpose.**

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

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

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

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

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

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

(9) Either:

(A) an offeror; or

(B) a subcontractor of the offeror;

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

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

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

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

## **Chapter 2. Definitions**

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

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

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

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

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

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

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

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

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

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

**(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 (1) animals or livestock; or  
 2 (2) agricultural workers in a field or barn;  
 3 commits a Class A misdemeanor.

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

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

9 (1) record video or audio of;

10 (2) collect:

11 (A) visual;

12 (B) audio; or

13 (C) thermal;

14 data regarding; or

15 (3) photograph;

16 an individual or area of private real property without the  
 17 individual's or property owner's permission commits a Class A  
 18 misdemeanor.

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

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

#### 25 Chapter 5. Liability Insurance

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

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

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

39 SECTION 5. IC 35-52-32-5.2 IS ADDED TO THE INDIANA  
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2026]: Sec. 5.2. IC 32-40-4-2 defines a crime  
 42 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.**  
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