

BILL ANALYSIS

Senate Research Center
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S.B. 59
By: Zaffirini
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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. 59 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. 59 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)–(19) makes no changes to these subdivisions;

(20)–(21) makes nonsubstantive changes to these subdivisions; or

(22) if the image is:

(A) captured for the purpose of delivering consumer goods that were ordered through an Internet website or mobile application and the operator of the unmanned aircraft is authorized by the Federal Aviation Administration to conduct operations within the airspace from which the image is captured; and

(B) directly related to the purpose described by Paragraph (A), including images captured for purposes of navigation or ensuring public safety.

SECTION 2. Effective date: September 1, 2019.