

BILL ANALYSIS

Senate Research Center
84R13434 JRR-F

H.B. 2167
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Business & Commerce
5/5/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2013, the 83rd Legislature passed a bill that created an offense for the use of an unmanned aircraft to capture an image of a person or privately owned real property in this state with the intent to conduct surveillance on the person or property. The same bill included a “nonapplicability” provision expressly enumerating situations in which it is lawful to capture an image using an unmanned aircraft. This bill would add three items to that enumeration, providing that such images may be captured by (1) a registered professional land surveyor in connection with the practice of surveying, provided no person is identifiable in the captured image, (2) a licensed professional engineer in connection with the practice of engineering, provided no person is identifiable in the captured image, and (3) a person acting on behalf of a private or independent institution of higher education for the purposes of conducting professional or scholarly research.

H.B. 2167 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) for purposes of professional or scholarly research and development by a person acting on behalf of an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003 (Definitions), Education Code, including a person who is a professor, employee, or student of the institution; or is under contract with or otherwise acting under the direction or on behalf of the institution;
 - (2)-(17) Makes no change to these subdivisions;
 - (18)-(19) Makes nonsubstantive changes;
 - (20) if the image is captured by a registered professional land surveyor in connection with the practice of professional surveying, as those terms are defined by Section 1071.002 (Definitions), Occupations Code, provided that no individual is identifiable in the image; or
 - (21) if the image is captured by a professional engineer licensed under Subchapter G (License Requirements), Chapter 1001, Occupations Code, in connection with the practice of engineering, as defined by Section 1001.003 (Practice of Engineering), Occupations Code, provided that no individual is identifiable in the image.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.