

## **BILL ANALYSIS**

Senate Research Center  
85R20553 JCG-F

C.S.S.B. 838  
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Business & Commerce  
4/10/2017  
Committee Report (Substituted)

### **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. 838 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. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 838 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, to provide that it is lawful to capture an image using an unmanned aircraft in this state if the image is captured for the purpose of delivering consumer goods that were ordered through a 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 directly related to the described purpose, including images captured for purposes of navigation or ensuring public safety.

SECTION 2. Effective date: September 1, 2017.