

SENATE BILL No. 462

By Committee on Federal and State Affairs

2-17

1 AN ACT concerning regulation of drones; dealing with private property
2 rights.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) A person wrongfully occupies real property and is
6 liable for damages, who, without express permission of the person or
7 entity with the legal authority to grant access to the real property or
8 otherwise without legal authority, operates an unmanned aircraft or
9 unmanned aircraft system less than 350 feet above ground level within the
10 airspace overlaying the real property.

11 (b) For purposes of this act:

12 (1) "Unmanned aircraft" means an aircraft that is operated without the
13 possibility of direct human intervention from within or on the aircraft.

14 (2) "Unmanned aircraft system" means an unmanned aircraft and
15 associated elements, including communication links and the components
16 that control the unmanned aircraft, that are required for the pilot in
17 command to operate safely and efficiently in the national airspace system.

18 Sec. 2. This act shall not be construed to impair or limit any lawful
19 activities of law enforcement personnel or employees of governmental
20 agencies or other public or private entities that may have the right to enter
21 land by operating an unmanned aircraft or unmanned aircraft system
22 within the airspace overlaying the real property of another.

23 Sec. 3. (a) The owner, tenant, occupant, invitee or licensee of
24 privately owned real property shall have a civil cause of action for
25 compensatory damages for violations of this act and may seek injunctive
26 relief to prevent future violations of this act against a person, state agency
27 or political subdivision. Attorney fees shall be awarded to the plaintiff if
28 the plaintiff is the prevailing party. Punitive damages may also be
29 recovered in the appropriate case.

30 (b) Nothing in this section is intended to limit the rights and defenses
31 available at common law under a claim of liability for wrongful
32 occupation of real property.

33 Sec. 4. This act shall take effect and be in force from and after its
34 publication in the statute book.