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Worries over drone aircraft and lowans' privacy spur legislation

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Written by William Petroski

Worries about drone helicopters shooting photos of young women sunbathing in their backyard or unmanned aircraft shooting video aimed inside the windows of lowans' homes is prompting state lawmakers to seriously weigh restrictions on the equipment.

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The legislation is coming at the same time that commercial uses of remotely piloted aircraft are being considered that range from delivering pizzas to spraying farm fields with chemicals to kill corn root worms.

An Iowa Senate judiciary subcommittee held a hearing Monday on two bills that would regulate so-called remotely piloted aerial vehicles, more commonly known as drones. They included Senate Study Bills 3033 and 3145.

Neither measure was immediately approved, but Sen. Rich Taylor, D-Mount Pleasant, who chaired the subcommittee, said it's likely action will be taken on the drone issue this session. Similar legislation is pending in the Iowa House.

Taylor said he's been swamped with emails on the topic with comments ranging from people who want to ban the Iowa Air National Guard from operating armed drones to people who want no rules governing the equipment. Some of the people most concerned about the proposed legislation are model aircraft enthusiasts who are regularly operating remotely controlled helicopters and airplanes that are equipped with cameras and video gear.

"We want to let the public at least have some idea that there are some regulations out there so that they are not going out and wasting their hard-earned money on something they are not able to use," Taylor said.

However, Taylor said the proposed legislation would not prevent the Iowa Air National Guard from establishing a new unit at the Des Moines airport that would operate remoted piloted aircraft. The Guard doesn't plane to launched unmanned aircraft in Iowa, but the aircraft would be controlled via satellites from the Des Moines Air Guard Base.

Sen. Robert Hogg, D-Cedar Rapids, chairman of the Iowa Senate Judiciary Committee, said he's also hearing lots of worries from the public..

'Privacy is a huge concern. Secondly, there are safety concerns with them. Three, there is just a sense that people want to know

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that the skies are free from interference, “ Hogg said. “Also, my instinct is that if the State of Iowa wants to do something about this, it has to be done sooner rather than later.”

Roxanne Ryan, a lawyer for the Iowa Department of Public Safety, cautioned the subcommittee that Federal Aviation Administration regulations pre-exempt state law on virtually anything related to aircraft operations. The only state authority that exists would be to restrict what state or local government agencies could do; for example, restricting the actions of law enforcement agencies, she said.

Senate Study Bill 3033 would require some drone operators to obtain a state permit, while others could operate without a state permit if the drone doesn't have a camera or video gear and the equipment is only flown over their own property. Law enforcement could operate a drone without a permit if a search warrant was issued.

Under Senate Study Bill 3145, the acquisition of drone aircraft used by local government agencies would need to be approved by city councils or county boards of supervisors, and the use of the aircraft would be restricted to specific circumstances. The bill prohibits the drone from being equipped with weapons, and it allows data collection only on a target area, and not on other persons, homes or areas.

Sen. Charles Schneider, R-West Des Moines, said many states are considering similar legislation because of questions that could arise as the federal government loosens its restrictions on unmanned aircraft flights.

Several hobby aircraft enthusiasts spoke at the meeting, emphasizing they simply want to have fun and have no interest in violating anyone's privacy.

Scott Dearing of Des Moines, a hobby aircraft enthusiast, said he has flown a so-called “Quadcopter” equipped with a camera over the Des Moines River.

“I understand that we don't want to fly these looking at peoples' windows,” Dearing said. “We have nothing nefarious in mind.”

Joe Pitts of Urbandale, who belongs to the Des Moines Modelaires and the Newton Sky Kings hobby plane club, said many Iowans are flying model aircraft in parks or other uncontrolled areas and expressed concerns they could be negatively impacted by the legislation.

But Hogg expressed concerns that some of the model aircraft enthusiasts are using drones equipped with camera equipment.

“How do I know they are not watching and taking images of me?” Hogg said.

Susan Cameron, a lobbyist for the Iowa State Sheriffs and Deputies and Association, said she wasn’t aware of any Iowa law enforcement agencies using drones. But she added that there might be situations where remotely piloted aircraft would be effective in finding lost children or kidnap victims.

“We just want to be careful as we draft this not to be too restrictive,” Cameron said.

Likewise, Scott Sundstrom, a lobbyist for the Iowa Newspaper Association and the Iowa Broadcasters Association, said he wasn’t aware of any Iowa news organizations using such equipment. But he emphasized that the technology is changing rapidly and he urged caution about “regulated too much with unintended consequences.” Some possible applications for such technology could include coverage of fires and traffic situations, he said.

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