

Introduced by Senator GainesJanuary 4, 2016

An act to add Section 43.101 to the Civil Code, and to add Chapter 4.5 (commencing with Section 853) to Part 2 of Division 3.6 of Title 1 of the Government Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

SB 807, as introduced, Gaines. Unmanned aircraft systems.

(1) Existing law provides certain individuals with immunity from civil liability under specific circumstances, including, among others, limiting the civil liability of a person who in good faith, and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency, as specified.

This bill would further limit the exposure to civil liability of an emergency responder, defined as a paid or unpaid volunteer or private entity acting within the scope of authority implicitly or expressly provided by a public entity or a public employee to provide emergency services, for damages to an unmanned aircraft or unmanned aircraft system, if the damage was caused while the emergency responder was performing specific emergency services and the unmanned aircraft or unmanned aircraft system was interfering with the provision of those emergency services.

(2) The Government Claims Act sets forth the general procedure for the presentation of a claim as a prerequisite to the commencement of an action for money or damages against a "public entity" or a "public employee," and defines those terms for its purposes. The act prohibits liability against a public entity or public employee for, among other things, certain acts relating to the provision of fire protection and police and correctional activities, as specified.

This bill would further limit the exposure to civil liability of a public entity or public employee for damage to an unmanned aircraft or unmanned aircraft system, if the damage was caused while the public entity or public employee was performing specific emergency services and the unmanned aircraft or unmanned aircraft system was interfering with the provision of those emergency services.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43.101 is added to the Civil Code, to
2 read:

3 43.101. (a) An emergency responder shall not be liable for
4 any damage to an unmanned aircraft or unmanned aircraft system,
5 if the damage was caused while the emergency responder was
6 providing, and the unmanned aircraft or unmanned aircraft system
7 was interfering with, the operation, support, or enabling of the
8 emergency services listed in Section 853 of the Government Code.

9 (b) (1) For purposes of this section, “emergency responder”
10 means either of the following, if acting within the scope of
11 authority implicitly or expressly provided by a public entity or a
12 public employee to provide emergency services:

13 (A) A paid or unpaid volunteer.

14 (B) A private entity.

15 (2) All of the following terms shall have the same meaning as
16 the terms as used in Chapter 4.5 (commencing with Section 853)
17 of Part 2 of Division 3.6 of Title 1 of the Government Code:

18 (A) Public employee.

19 (B) Public entity.

20 (C) Unmanned aircraft.

21 (D) Unmanned aircraft system.

22 SEC. 2. Chapter 4.5 (commencing with Section 853) is added
23 to Part 2 of Division 3.6 of Title 1 of the Government Code, to
24 read:

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26 CHAPTER 4.5. UNMANNED AIRCRAFT

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28 853. A public entity or public employee shall not be liable for
29 any damage to an unmanned aircraft or unmanned aircraft system,

1 if the damage was caused while the public entity or public
2 employee was providing, and the unmanned aircraft or unmanned
3 aircraft system was interfering with, the operation, support, or
4 enabling of any of the following emergency services:

5 (a) Emergency medical services or ambulance transport services,
6 including, but not limited to, air ambulance services.

7 (b) Firefighting or firefighting-related services, including, but
8 not limited to, air services related to firefighting or
9 firefighting-related services.

10 (c) Search and rescue services, including, but not limited to, air
11 search and rescue services.

12 853.5. The following definitions shall apply to this chapter:

13 (a) “Unmanned aircraft” means an aircraft that is operated
14 without the possibility of direct human intervention from within
15 or on the aircraft.

16 (b) “Unmanned aircraft system” means an unmanned aircraft
17 and associated elements, including, but not limited to,
18 communication links and the components that control the
19 unmanned aircraft that are required for the pilot in command to
20 operate safely and efficiently in the national airspace system.