

Comment Report

HF 388

A bill for an act prohibiting the use of remotely piloted aircraft flying over certain property, and providing penalties.(See HF 572.)

Subcommittee Members: Wulf-CH, Gjerde, Mommsen

Date: 02/28/2023

Time: 08:00 AM

Location: RM 19

Name: Bridger Hawkinson

Comment: I am writing to you to express a huge concern about Iowa HF388. I am concerned that this bill would harm, rather than help, those aerial photographers, aerial solution providers, and all other drone operators within the state of Iowa who fly their drones for recreational, commercial, and for other lawful purposes. It is my understanding that the bill was introduced to heavily restrict drone pilots of unmanned aircraft here in the great State of Iowa from operating drones over or around farmsteads with agricultural animals and livestock. I have a few points of concern regarding this bill. Few of my points include those which have already been fought in federal courts as well as been preempted by federal law and guidelines which will be a huge problem for this bill if passed. 1. The Federal Aviation Administration published a statement titled: FAA Statement Federal vs. Local Drone Authority published on Friday, July 20th, 2018. This statement was issued by the FAA when drones first came about and when states and local municipalities were trying to enact localized drone laws and ordinances. The publication outlines the authority to states and the federal government. The United States Congress gave the sole authority and jurisdiction to the Federal Aviation Administration to regulate the use and operation of aircraft including drones. a. The following quote is from the first paragraph of the statement: Congress has provided the FAA with exclusive authority to regulate aviation safety, the efficiency of the navigable airspace, and air traffic control, among other things. State and local governments are not permitted to regulate any type of aircraft operations, such as flight paths or altitudes, or the navigable airspace. 2. Recently, Texas had a very similar law to the one introduced by Representative Derek Wulf known as Texas Code Chapter 423. In March of 2022, the law was struck down as unconstitutional by U.S. District Judge Robert Pitman at the United States District Court for the Western District of Texas Austin Division (Refer to case: 1:19cv00946RP Document 74) 3. Multiple safety and security operational hazards would arise out of such law in Iowa. Drone pilots and operators face a very serious and dangerous threat of upset and disgruntled people approaching the pilot while operating drones. Federal law requires drone pilots to remain in full control of and provide a safe operation for the drone being flown. If a pilot was being hassled or in rare cases assaulted, this would be a problem for the pilot trying to ensure the safety of the aircraft. Also, 18 USC 32 prevents the destruction, of aircraft including drones in the special aircraft jurisdiction. 49 USC 46504 prevents anyone from interfering with the duties of a crew member. 4. The penalties that were stated in the introduction of the bill are excessive to the average drone pilot. These fees and fines are unreasonable. 5. With all the provided preemption, court case law, federal statements, and other provided material to the drone industry, enacting this law would just be a hurdle to the pilot and businesses operating drones. With this said, there is so many problems with enacting HF388 into law in Iowa. I will continue to work with our advocacy partners and push to ensure such law does not become a hurdle for pilots and drone businesses within the state who continue to ensure the privileges and freedom of flight are maintained. On the information mentioned, I urge you to vote no

on HF388. Thank you for the work that you do for those of us in your district. As an expert in the field of unmanned aviation, please reach out anytime if you have questions or concerns.