

Senate File 491 - Introduced

SENATE FILE 491
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1191)

A BILL FOR

1 An Act prohibiting the use of remotely piloted aircraft flying
2 over farm property, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 715E.1, subsections 1, 2, and 8, Code
2 2025, are amended by striking the subsections.

3 Sec. 2. Section 715E.1, Code 2025, is amended by adding the
4 following new subsections:

5 NEW SUBSECTION. 3A. "*Farm animal*" means an animal belonging
6 to the bovine, caprine, ovine, or porcine species; farm deer as
7 defined in section 170.1; ostriches, rheas, or emus; turkeys,
8 geese, chickens, or other domestic poultry; or a horse, pony,
9 mule, jenny, donkey, or hinny.

10 NEW SUBSECTION. 3B. "*Farm commodity*" means a farm animal,
11 farm crop, or honey.

12 NEW SUBSECTION. 3C. a. "*Farm crop*" means a plant used for
13 food, animal feed, fiber, or oil, including a forage or cereal
14 plant.

15 b. "*Farm crop*" includes but is not limited to alfalfa,
16 barley, buckwheat, corn, flax, forage, millet, oats, popcorn,
17 rye, sorghum, soybeans, sunflowers, wheat, and grasses used for
18 forage or silage.

19 NEW SUBSECTION. 3D. a. "*Farm equipment*" means a device or
20 an attachment to a device designed and manufactured to be
21 principally used for farming, including the production, care, or
22 harvesting of a farm commodity.

23 b. "*Farm equipment*" includes but is not limited to
24 tractors; trailers; combines; tillage, planting, and cultivating
25 implements; balers; irrigation implements; injection and
26 application devices; manure haulers and spreaders; and
27 all-terrain vehicles.

28 NEW SUBSECTION. 3E. a. "*Farm structure*" means a building or
29 other structure used in farming, including the production of farm
30 commodities.

31 b. "*Farm structure*" includes but is not limited to the
32 principal residence of a farmer, a formed or unformed structure
33 that is part of an animal feeding operation as defined in section
34 459.102 and related pipes and manure stockpiles, a barn, a
35 stable, a storage crib, a structure used to store seeds or grain,

1 an outbuilding, and a shed.

2 NEW SUBSECTION. 3F. "Farmer" means the person who is
3 actively engaged in farming as defined in section 9H.1.

4 NEW SUBSECTION. 3G. a. "Farmstead" means real property
5 consisting of forty or more contiguous acres, if all of the
6 following apply:

7 (1) The real property is owned or leased by a farmer.

8 (2) The real property is used by the farmer for farming,
9 including the production of a farm commodity.

10 (3) At least fifteen thousand dollars was generated from the
11 sale of farm commodities produced on the real property in the
12 last calendar year.

13 b. "Farmstead" includes but is not limited to a crop field or
14 pastureland.

15 c. "Farmstead" does not include any real property located
16 within the corporate limits of a city.

17 Sec. 3. Section 715E.1, subsection 9, Code 2025, is amended
18 to read as follows:

19 9. "Surveillance device" means a camera or electronic
20 equipment that transmits or records ~~images~~ an image, ~~sounds~~
21 sound, or data if the transmission or recording is capable of
22 reasonably identifying any of the following:

23 a. The ~~identity~~, physical appearance, conduct, or voice of an
24 individual.

25 b. The species of ~~an agricultural~~ a farm animal.

26 c. The type or use of farm equipment.

27 d. The type or use of a farm structure.

28 ~~e.~~ e. The unique physical characteristics of land or an
29 improvement to land.

30 Sec. 4. Section 715E.3, subsection 1, paragraph b, Code 2025,
31 is amended to read as follows:

32 b. Controls the flight of remotely piloted aircraft over
33 a secure farmstead area, if the ~~secure~~ farmstead area is not
34 owned or leased by the person, and the remotely piloted aircraft
35 remains ~~over the secure farmstead area~~ within a secured area of

1 four hundred feet surrounding a farm animal, farm equipment, or
2 a farm structure located on the farmstead. However, the secured
3 area shall not include any space that is in the corporate limits
4 of a city.

5 Sec. 5. Section 715E.4, subsection 1, paragraph b, Code 2025,
6 is amended to read as follows:

7 b. Controls the flight of a remotely piloted aircraft
8 equipped with a surveillance device over a ~~secure~~ farmstead
9 area, if the ~~secure~~ farmstead area is not owned or leased by
10 the person, and the remotely piloted aircraft remains ~~over the~~
11 ~~secure farmstead area~~ within a secured area of four hundred feet
12 surrounding a farm animal, farm equipment, or a farm structure
13 located on the farmstead. However, the secured area shall not
14 include any space that is in the corporate limits of a city.

15 Sec. 6. Section 715E.5, subsection 1, Code 2025, is amended
16 to read as follows:

17 1. A person who is the owner or lessee of a homestead
18 or ~~secure~~ farmstead area may petition the district court to
19 obtain an order for a temporary injunction to prevent the
20 respondent from using any remotely piloted aircraft equipped with
21 a surveillance device, if a preponderance of evidence indicates
22 that the respondent is harassing the petitioner by controlling
23 the flight of the remotely piloted aircraft over the person's
24 homestead or ~~secure~~ farmstead area in violation of section 715E.3
25 or 715E.4. The court shall grant the temporary injunction for
26 not more than two years. The court may continue the injunction
27 upon a petition filed by the petitioner with the court prior to
28 the order's expiration.

29 Sec. 7. Section 715E.5, subsection 3, paragraph b,
30 subparagraph (1), subparagraph division (b), Code 2025, is
31 amended to read as follows:

32 (b) The person is ~~an~~ the owner of ~~an agricultural animal~~ a
33 farm animal, farm equipment, or a farm structure that may be
34 identified in the recording.

35 Sec. 8. Section 715E.5, subsection 3, paragraph b,

1 subparagraph (2), Code 2025, is amended to read as follows:

2 (2) A person cannot claim an ownership interest in a
3 retrievable image, sound, or data that includes an image, sound,
4 or data that may identify another individual, ~~an agricultural~~
5 ~~animal~~ a farm animal, farm equipment, or a farm structure owned
6 by another person, or land or an improvement owned by another
7 person, unless that other individual or person consents.

8 Sec. 9. Section 715E.6, unnumbered paragraph 1, Code 2025, is
9 amended to read as follows:

10 Sections 715E.3 and 715E.4 do not prohibit a person from
11 controlling a remotely piloted aircraft flying over a person's
12 homestead or ~~secure~~ farmstead area if the person controlling the
13 remotely piloted aircraft is any of the following:

14 Sec. 10. Section 715E.6, subsections 1 and 9, Code 2025, are
15 amended to read as follows:

16 1. A person who acts with the consent of the owner of the
17 homestead or ~~secure~~ farmstead area.

18 9. The owner or lessee of the homestead or ~~secure~~ farmstead
19 area.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 BACKGROUND — GENERAL. 2024 Iowa Acts, chapter 1131,
24 prohibited the use of remotely piloted aircraft (RPA) flying
25 over certain areas, including a homestead or that part of a
26 farmstead where agricultural animals are confined and maintained
27 (Code chapter 715E). An RPA is a self-propelled vehicle used for
28 navigation and flight, is controlled by the use of an electronic
29 system, and is not designed to carry a human. A surveillance
30 device that is part of an RPA refers to a camera or electronic
31 equipment that transmits or records images, sounds, or data from
32 a distance. The location that is part of the farmstead confining
33 and maintaining agricultural animals is referred to as an animal
34 feeding operation. A secure farmstead area includes an animal
35 feeding operation and an additional 400 feet of surrounding real

1 property if both are owned or leased by the same person (Code
2 section 715E.1).

3 BACKGROUND — CRIMINAL OFFENSES. Code chapter 715E created two
4 related criminal offenses. The first offense, referred to as
5 intrusion, is committed when a person knowingly controls the
6 flight of an RPA over either of the two protected locations
7 (Code section 715E.3). The second offense, referred to as
8 surveillance, is committed when a person knowingly controls the
9 flight of an RPA equipped with a surveillance device over either
10 of those same locations (Code section 715E.4). In each case,
11 the applicable criminal penalty is enhanced if a person has been
12 previously convicted of either offense. For a person committing
13 intrusion, the penalty is a simple misdemeanor subject to an
14 enhanced penalty of a serious misdemeanor, and for a person
15 committing surveillance, the penalty is a serious misdemeanor
16 subject to an enhanced penalty of an aggravated misdemeanor. A
17 simple misdemeanor is punishable by confinement for no more than
18 30 days and a fine of at least \$105 but not more than \$855. A
19 serious misdemeanor is punishable by confinement for no more than
20 one year and a fine of at least \$430 but not more than \$2,560.
21 An aggravated misdemeanor is punishable by confinement for no
22 more than two years and a fine of at least \$855 but not more than
23 \$8,540.

24 BACKGROUND — INJUNCTIVE RELIEF. A person who owns or leases
25 a homestead or secure farmstead area may petition the district
26 court to obtain an order for a temporary injunction to prevent a
27 party from using an RPA equipped with a surveillance device (Code
28 section 715E.5).

29 BACKGROUND — EXCEPTIONS. Code chapter 715E prohibitions do
30 not apply in a number of circumstances based on consent by
31 the location's owner, operation of an RPA in compliance with
32 federal aviation administration regulations, government actions
33 in compliance with an interstate compact, the use of public
34 utilities and railroads, an RPA's high-altitude flight, the use
35 of an RPA to collect scientific information, and a government's

1 exercise of a public road right-of-way.

2 BILL'S PROVISIONS — TERMINOLOGY CHANGE. This bill replaces
3 the term "secure farmstead area", which is defined to include an
4 animal feeding operation, with the term "farmstead". The bill
5 redefines the term "farmstead" to mean at least 40 contiguous
6 acres of real property used for farming, subject to certain
7 conditions: (1) the real property is owned or leased by a
8 farmer, defined as a person actively engaged in farming, (2)
9 the real property is used for farming, including the production
10 of a farm commodity, and (3) at least \$15,000 was generated
11 from the sale of farm commodities produced on the real property
12 in the last calendar year. The bill establishes a secured
13 area of 400 feet from certain types of property located on
14 the farmstead, which includes a farm animal, farm equipment,
15 or a farm structure. However, the secured area cannot include
16 any space within the corporate limits of a city. An RPA
17 is prohibited from entering into this space, subject to the
18 exceptions that apply to a homestead.

19 BILL'S PROVISIONS — INJUNCTIVE RELIEF. The same right to
20 petition a district court to obtain an order for injunctive
21 relief that applies under current law to the owner or lessee of
22 a homestead or a secure farmstead area applies under the bill to
23 the owner or lessee of a homestead or farmstead.

24 PENALTIES. The same criminal offenses and penalties that
25 protect a homestead and secure farmstead area under current law
26 protect a homestead and a secure farmstead, including a secure
27 animal feeding operation, under the bill, including for intrusion
28 and surveillance.