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New Hampshire sUAS/Drone Legislation 01/31/2017
Status Summary 2015 – January 2017
N.H. AMA Clubs & Members

Hello AMA Members,

This report summarizes New Hampshire sUAS/Drone legislation that we have addressed in the past several years. We have had, what I consider to be, great successes dealing with each of the bills that were sponsored and working with the representatives and senators to resolve issues.

The bills all contained items that were problematic for AMA remote pilots or club flying sites and items that were not. When we review legislation, we priorities the items of concern for AMA members first and foremost, and then we may consider non-member recreational and commercial operators in the NAS.

In February of 2015, we opposed HB-602 (Status-Dead) which would have prevented sUAS/drone flights bellow 400 ft. AGL within 5 miles of all NH airports. Nine AMA club flying sites that operated for decades without incidents would have closed. Prior to the hearing, we pushed for the preemption clause to be included, "if federal law preempts any provision of this bill, the provision shall not apply."

In January of 2016, we opposed SB-459 (Status-Dead) which would have limited sUAS/drone flights to a maximum of 100 ft. AGL. Nearly 1/3 of AMA members who fly competition aerobatic aircraft, soaring/sailplanes, turbine powered jets and giant scale aircraft would no longer have been able to navigate their aircraft safely at altitudes this close to the ground.

In January of 2017, we voiced AMA's opposition to several primary items in HB-97 in letters of opposition and in testimony at the hearing. In the weeks that followed, the representatives had several closed session meetings to discuss the issues we raised and the solutions recommended. On February 3, a two-page amendment of HB-97 was placed on the docket.

Because of AMA team member efforts, FAA H.R. 636 section 2209 was added to the bill in 422-D:3 IV(a). This amendment provides for FAA approval for structures to be designated "critical infrastructures" in accordance with FAA H.R. 636 section 2209. This will prevent the arbitrary designation of a location or building as a "critical infrastructure" with 500 ft. horizontal and 400 ft. vertical flight separation of sUAS.

Another AMA team member worked with the HB-97 bill sponsor to eliminate names and addresses having to be placed on sUAS/drones. The requirement was reduced to a simple small readable phone number in permanent ink.

The only other area of minimum concern was 422-D:3 VIII that "No person shall operate a drone at a height of less than 250 ft. over privately-owned real property unless the person has the consent of its owner. We will continue to voice objection based on FAA's exclusive authority over flight operations in the NAS as granted to the FAA by Congress.

Fortunately, this regulation will not impact AMA remote pilots since AMA's Safety programming requires its members to seek permission from property owners or managers before flying directly over private property.

The privacy requirements in HB-97 already exist as **"**Peeping Tom", "Voyeur", "Stalking", "Harassing", "Surveilled", "Trespass" acts bound by law and cover inappropriate use of cameras, wireless microphones, and yes, UAS! AMA's privacy safeguards rely on "reasonable expectation of privacy" requiring expressed written permission and strict uses of sensor technology.