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AB-426 Impeding emergency response with drone. (2025-2026)

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AMENDED IN ASSEMBLY APRIL 02, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 426

Introduced by Assembly Member Dixon

February 05, 2025

An act to add Section ~~53069.65 to the Government Code~~, *1708.83 to the Civil Code*, relating to ~~local government~~ *civil law*.

LEGISLATIVE COUNSEL'S DIGEST

AB 426, as amended, Dixon. ~~Local agencies: civil penalty for impeding~~ *Impeding* emergency response with drone.

Existing law makes it a crime for a person ~~who operates or uses~~ *to operate or use* an unmanned aerial vehicle, remote piloted aircraft, or drone at the scene of an emergency for the purpose of viewing the scene or emergency or military personnel, and thereby ~~impedes~~ *impede* the emergency or military personnel, in the performance of their duties in coping with the emergency. Existing law excuses a local public entity or public employee from liability for damage to an unmanned aircraft or unmanned aircraft system, if the damage was caused while the local public entity or public employee of a local public entity was providing, and the unmanned aircraft or unmanned aircraft system was interfering with, the operation, support, or enabling of any emergency service, as specified. *Existing law imposes liability for physical invasion of privacy on a person if the person knowingly enters onto the land or into the airspace above the land of another person without permission or otherwise commits a trespass in order to capture any image or recording of the other person engaging in a private activity and the invasion occurs in a manner that is offensive to a reasonable person.*

This bill would ~~authorize a local agency to impose a civil penalty not exceeding \$75,000 upon~~ *prohibit* a person ~~who operates or uses~~ *from operating or using* an unmanned aerial vehicle, remote piloted aircraft, or drone at the scene of an emergency and thereby ~~impedes~~ *impeding* firefighters, peace officers, medical personnel, military personnel, or other emergency personnel in the performance of their fire suppression, law enforcement, or emergency response duties, unless the person has a federal operational waiver, as specified. *The bill would authorize the Attorney General or a county counsel or city attorney to bring civil action to enforce the prohibition and authorize a prevailing plaintiff to recover civil penalties, injunctive relief, or reasonable attorney's fees and costs, as specified.*

Vote: majority Appropriation: no Fiscal Committee: ~~no~~ *yes* Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Section 53069.65 is added to the Government Code, to read:~~

~~53069.65.~~

SECTION 1. *Section 1708.83 is added to the Civil Code, to read:*

1708.83. (a) ~~Except as specified in subdivision (b), a local agency, as defined in Section 54951, may impose a civil penalty not exceeding seventy-five thousand dollars (\$75,000) upon a~~ *A* person ~~who operates or uses~~ *shall not operate or use* an unmanned aerial vehicle, remote piloted aircraft, or drone at the scene of an emergency and thereby ~~impedes~~ *impede* firefighters, peace officers, medical personnel, military personnel, or other emergency personnel in the performance of their fire suppression, law enforcement, or emergency response duties.

(b) The Attorney General or a county counsel or city attorney may bring a civil action to enforce subdivision (a). The prevailing plaintiff in an action may recover any of the following in any court of competent jurisdiction:

(1) A civil penalty not exceeding seventy-five thousand dollars (\$75,000) for each violation.

(2) Injunctive relief.

(3) Reasonable attorney's fees and costs.

~~(b)~~

(c) Subdivision (a) shall not apply to a person who has been granted a Part 107 Operational Waiver issued by the Federal Aviation Administration pursuant to Section 107.200 of the Code of Federal Regulations.