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SB-260 Unmanned aircraft. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 260

Introduced by Senator Wahab

February 03, 2025

An act to ~~add, repeal, and add Section 2036 of~~ *add Section 2036 to* the Insurance Code, and to amend Sections 626.8 and 4577 of, and to add Sections 402.5 and 402.6 to, the Penal Code, relating to unmanned aircraft.

LEGISLATIVE COUNSEL'S DIGEST

SB 260, as amended, Wahab. Unmanned aircraft.

Existing law generally regulates classes of insurance, including residential property insurance. *Existing law requires an insurer to send various notices to a policyholder at specified intervals.* 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 prohibit an onsite inspection by a residential property insurance company of a home conducted by a remotely operated unmanned aircraft. The bill would, until January 1, 2028,~~ *This bill would require a residential property insurer to notify a policyholder at least 30 days in advance of the day that a remotely operated unmanned aircraft will be used to take aerial images of the insured property, as specified, unless a claim has been submitted or is pending on the property and the images will be used only for evaluating the claim. The bill would require the insurer to provide the aerial images upon request, and would require the notice to include instructions regarding how a policyholder may make that request. The bill would,* if a residential property ~~insurance company~~ *insurer* gathered sufficient evidence for the termination of a residential property insurance contract during an inspection of a policyholder's property that was conducted by the use of a remotely operated unmanned ~~aircraft on or after May 1, 2025,~~ *aircraft,* require the company to provide written notice to the policyholder of specified information, including the reason for the potential termination of the contract and what the policyholder is required to do to comply with the provisions of the ~~contract.~~

contract, and to provide copies of the evidence gathered during the inspection. The bill would require the ~~company~~ insurer to give the policyholder 120 days to remedy the issue, and would prohibit the ~~company from canceling the contract or would require the company to reinstate the contract if the policyholder offers proof that~~ insurer from canceling the contract if the policyholder provides documentation that indicates that the work was completed to comply with the contract, as specified. *The bill would require an insurer to destroy any evidence that is in their possession that was collected from or generated by a remotely operated unmanned aircraft no later than 90 days after the data has been collected or generated, subject to specified exceptions.*

Existing law makes it a misdemeanor to enter or remain upon any property that is posted against trespassing and loitering, as specified, without the written permission of the owner, tenant, or occupant in legal possession or control of the property. Existing law makes it a misdemeanor to operate an unmanned aerial vehicle at the scene of an emergency for the purpose of viewing the scene or the activities of emergency responders, as specified.

This bill would make it an infraction to intentionally or knowingly operate an unmanned aircraft over or to come within either a specified distance or a distance that would interfere with the operations of a critical infrastructure facility, as defined, with specified exceptions, including that the operator is a governmental entity acting in their capacity as a regulator or the operator has the written consent of the owner or operator of the facility. The bill would make it an infraction to intentionally or knowingly operate an unmanned aircraft over or to come within either a specified distance or a distance that would interfere with the operations of specified property in the City of Sacramento in which the State Capitol is located, with specified exceptions, including if a person is acting with the express authorization of the Joint Rules Committee of the Legislature, and would require the Joint Rules Committee to establish related policies in consultation with the Department of the California Highway Patrol. By creating new crimes, this bill would impose a state-mandated local program.

Existing law makes it a misdemeanor for a person to enter into a school building or upon school grounds, or on public property adjacent to the school, and interfere with or disrupt the activities of the school by remaining on or reentering the property after being asked to leave, or creating a disruption with the intent to threaten the safety of a pupil, as specified.

This bill would additionally make it a misdemeanor to use an unmanned aircraft on or above a school building or upon school grounds with the intent to surveil, closely monitor, record, or threaten the safety of any person, as specified. By creating a new crime, this bill would impose a state-mandated local program.

Existing law makes it an infraction, punishable by a fine of \$500, for a person to operate an unmanned aircraft on or above the grounds of a penal institution, as specified.

This bill would increase that penalty to \$1,000.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 2036 is added to the Insurance Code, to read:

~~(a) Any onsite inspection of a policyholder's property by a residential property insurance company may not be conducted by the use of a remotely operated unmanned aircraft.~~

2036. (a) (1) (A) *A residential property insurer shall notify a policyholder if any aerial images will be taken of the insured property by, on behalf of, or in service of the insurer. The policyholder shall receive the notice at least 30 days in advance of the day that the images will be taken.*

(B) This subdivision does not apply if a claim has been submitted or is pending on the property, if any aerial images taken of the insured property are used only for the purpose of evaluating the submitted or pending claim.

(2) (A) *A notice pursuant to this subdivision shall be mailed via the United States Postal Service to the policyholder's mailing address of record.*

(B) For a policyholder who has agreed to transact business electronically pursuant to the Uniform Electronic Transactions Act (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the Civil Code), the insurer may provide notice to the email address provided by the policyholder in addition to the mailed notice pursuant to subparagraph (A).

(b) A residential property insurer shall provide any aerial images taken or obtained of the insured property to the policyholder upon request. A notice provided pursuant to subdivision (a) shall include instructions regarding how a policyholder may make that request for images.

(c) For purposes of this section:

(1) "Aerial image" means an image or video collected by a remotely operated unmanned aircraft.

(2) "Receive" means the earliest of the delivery date shown on an express, certified, or registered mail receipt form of the United States Postal Service or two business days after the request was postmarked by the United States Postal Service.

~~(b)~~

(d) (1) If a residential property ~~insurance company~~ insurer gathered sufficient evidence for the termination of a residential property insurance contract during an inspection of a policyholder's property that was conducted by the use of a remotely operated unmanned ~~aircraft on or after May 1, 2025, aircraft~~, the ~~company~~ insurer shall provide written notice of the reason for the potential termination of the contract *and copies of the evidence gathered during the inspection* to the policyholder, what the policyholder is required to do to comply with the provisions of the contract, and that the policyholder has 120 days to remedy the issue.

(2) If a residential property ~~insurance company~~ insurer provides notice to a policyholder pursuant to paragraph (1), the ~~company~~ insurer shall allow 120 calendar days for the policyholder to comply with the provisions of the contract before terminating the contract.

(3) ~~(A)~~ If a policyholder provides documentation that indicates that the work required to comply with the provisions of the contract was completed to the ~~company~~ insurer within 120 calendar days after the notice described in paragraph (1), the ~~company~~ insurer may not cancel the contract based on the evidence described in paragraph (1).

~~(B) If the residential property insurance company has terminated a policyholder's contract based on the evidence described in paragraph (1) but the policyholder provides to the company, within 120 calendar days after the notice described in paragraph (1), documentation that indicates that the work required to comply with the provisions of the contract was completed, the company shall reinstate the contract.~~

~~(4) A residential property insurance company may not conduct a subsequent inspection of a policyholder's property within two years after an inspection described in paragraph (1).~~

~~(e) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.~~

(e) (1) A residential property insurer shall destroy any evidence that is in their possession that was collected from or generated by a remotely operated unmanned aircraft as described in this section no later than 90 days after the data has been collected or generated.

(2) This subdivision does not apply to any data that is any of the following:

(A) Necessary to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for that activity.

(B) Necessary to identify and repair errors that impair existing intended functionality of the aircraft.

(C) Protected speech under the United States or California Constitutions.

(D) Necessary to comply with another law or legal obligation.

(E) Material to an ongoing investigation.

(3) A residential property insurer shall destroy any evidence described in paragraph (1) that is in their possession no later than 90 days after the completion of an investigation described in subparagraph (E) of paragraph (2).

~~SEC. 2. Section 2036 is added to the Insurance Code, to read:~~

~~2036.(a) Any onsite inspection of a policyholder's property by a residential property insurance company may not be conducted by the use of a remotely operated unmanned aircraft.~~

~~(b) This section shall become effective on January 1, 2028.~~

~~SEC. 3.~~ **SEC. 2.** Section 402.5 is added to the Penal Code, immediately following Section 402, to read:

402.5. (a) For the purposes of this section, the following terms have the following meanings:

(1) "Critical infrastructure facility" means all of the following:

(A) Any of the following, if the location is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if the location is clearly marked with a sign that is posted on the property, is reasonably likely to come to the attention of intruders, and indicates that entry is forbidden:

(i) A petroleum or alumina refinery.

(ii) An oil, petroleum, or chemical pipeline, drilling site, storage facility, or production facility.

(iii) An electrical power generating facility, including, but not limited to, geothermal, hydroelectric, nuclear, solar, and wind facilities, a substation, switching station, or electrical control center.

(iv) A water intake structure, water treatment facility, wastewater treatment plant, or pump station.

(v) A natural gas compressor station.

(vi) A liquid natural gas terminal or storage facility.

(vii) A port.

(viii) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.

(ix) Any facility or property designated by the Federal Aviation Administration as a national security-sensitive facility.

(B) If a statewide emergency has been declared, any of the following:

(i) Any alternate government facilities utilized as part of emergency response.

(ii) State Operations Centers.

(iii) Critical access hospitals or any other health care facility in which a majority of admitted patients are victims of the declared state of emergency.

(C) Any of the following:

(i) A city hall or a county administration building in which a county board of supervisors meets.

(ii) A bridge that is part of the state or federal highway system.

(iii) A dam that is classified by the Department of Water Resources as high hazard or extremely high hazard.

(2) "Dam" has the same meaning as in Section 6002 of the Water Code.

(b) A person is guilty of an infraction, punishable by a fine of one thousand dollars (\$1,000), if the person operates an unmanned aerial vehicle, remote piloted aircraft, or drone, and intentionally or knowingly does either of the following:

(1) Allows the unmanned aerial vehicle, remote piloted aircraft, or drone to come within 400 feet of, or below 400 feet above, a critical infrastructure facility.

(2) Allows the unmanned aerial vehicle, remote piloted aircraft, or drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of the property.

(c) This section does not apply to conduct described in subdivision (b) that is performed by any of the following:

(1) The federal government, the state, or a governmental entity acting in their capacity as a regulator or within the interest of public safety and security.

(2) A person under contract with or otherwise acting under the direction or on behalf of the federal government, the state, or a governmental entity acting in its capacity as a regulator or within the interest of public safety and security.

(3) An operator of an unmanned aerial vehicle, remote piloted aircraft, or drone that is being used for a commercial purpose, if the operation is conducted in compliance with both of the following:

(A) All applicable Federal Aviation Administration rules, restrictions, and exemptions.

(B) All required Federal Aviation Administration authorizations.

(4) A person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the critical infrastructure facility.

(5) A person who has the prior written consent of the owner or operator of the critical infrastructure facility.

(6) The owner or occupant of the property on which the critical infrastructure facility is located or a person who has the prior written consent of the owner or occupant of that property.

~~SEC. 4.~~**SEC. 3.** Section 402.6 is added to the Penal Code, to read:

402.6. (a) A person is guilty of an infraction, punishable by a fine of one thousand dollars (\$1,000), if the person operates an unmanned aerial vehicle, remote piloted aircraft, or drone and intentionally or knowingly allows the unmanned aerial vehicle, remote piloted aircraft, or drone to come within 50 feet of, or below 400 feet above, the Legislative Office Building at 1020 N Street in the City of Sacramento, the state office building at 1021 O Street in the City of Sacramento, or the grounds of the State Capitol, which is bounded by 10th, L, 15th, and N Streets in the City of Sacramento, or to come within a distance of any of those properties that is close enough to interfere with the operations of the property.

(b) (1) This section does not apply to conduct described in subdivision (a) that is performed by any of the following:

(A) Emergency law enforcement and fire response services.

(B) The Department of General Services if its activities are necessary for the care and custody of the grounds of the State Capitol.

(C) A person acting under contract with or with the express authorization of the Joint Rules Committee of the Legislature.

(2) The Joint Rules Committee of the Legislature shall establish rules and policies in consultation with the Department of the California Highway Patrol to establish processes and criteria to implement this subdivision.

(c) In enacting this section, it is the intent of the Legislature to protect the health, safety, and privacy of elected officials, employees, and visitors to the State Capitol. This section is not intended to regulate aviation safety or airspace efficiency or any other area preempted by federal law.

~~SEC. 5.~~**SEC. 4.** Section 626.8 of the Penal Code is amended to read:

626.8. (a) A person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and whose presence or acts interfere with the peaceful conduct of the activities of the school or disrupt the school or its pupils or school activities, is guilty of a misdemeanor if the person does any of the following:

(1) Remains there after being asked to leave by the chief administrative official of that school or their designated representative, or by a person employed as a member of a security or police department of a school district pursuant to Chapter 1 (commencing with Section 38000) of Part 23 of Division 3 of Title 2 of the Education Code, or a city police officer, or sheriff or deputy sheriff, or a Department of the California Highway Patrol peace officer.

(2) Reenters or comes upon that place within seven days of being asked to leave by a person specified in paragraph (1).

(3) Has otherwise established a continued pattern of unauthorized entry.

(4) Willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any pupil in preschool, kindergarten, or any of grades 1 to 8, inclusive, arriving at, attending, or leaving from school.

(b) (1) A person who uses an unmanned aerial vehicle, remote piloted aircraft, or drone on or above any school building or school ground with the intent to surveil, closely monitor, or record any person, or to threaten the immediate physical safety of any person, is guilty of a misdemeanor.

(2) This subdivision does not apply to a person operating an unmanned aerial vehicle, remote piloted aircraft, or drone with the intent to surveil, closely monitor, or record any person if the person has the express authorization of the school over which they are operating the vehicle, aircraft, or drone to operate the vehicle, aircraft, or drone.

(c) The punishment for a violation of this section shall be as follows:

(1) Upon a first conviction, by a fine not exceeding five hundred dollars (\$500), by imprisonment in a county jail for a period of not more than six months, or by both that fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in a county jail for a period of not less than 10 days or more than six months, or by both imprisonment and a fine

not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until they have served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in a county jail for a period of not less than 90 days or more than six months, or by both imprisonment and a fine not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until they have served not less than 90 days.

(d) As used in this section, the following definitions apply:

(1) "Lawful business" means a reason for being present upon school property which is not otherwise prohibited by statute, by ordinance, or by any regulation adopted pursuant to statute or ordinance.

(2) "Continued pattern of unauthorized entry" means that on at least two prior occasions in the same school year the defendant came into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and their presence or acts interfered with the peaceful conduct of the activities of the school or disrupted the school or its pupils or school activities, and the defendant was asked to leave by a person specified in paragraph (1) of subdivision (a).

(3) "School" means any preschool or public or private school having kindergarten or any of grades 1 to 12, inclusive.

(e) When a person is directed to leave pursuant to paragraph (1) of subdivision (a), the person directing them to leave shall inform the person that if they reenter the place within seven days, they will be guilty of a crime.

(f) This section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of speech or assembly.

~~SEC. 6.~~**SEC. 5.** Section 4577 of the Penal Code is amended to read:

4577. (a) Except as provided in subdivisions (b), (c), and (d), a person who knowingly and intentionally operates an unmanned aircraft system on or above the grounds of a state prison, a jail, or a juvenile hall, camp, or ranch is guilty of an infraction, punishable by a fine of one thousand dollars (\$1,000).

(b) This section does not apply to a person employed by the prison who operates the unmanned aircraft system within the scope of their employment, or a person who receives prior permission from the Department of Corrections and Rehabilitation to operate the unmanned aircraft system over the prison.

(c) This section does not apply to a person employed by the jail who operates the unmanned aircraft system within the scope of their employment, or a person who receives prior permission from the county sheriff to operate the unmanned aircraft system over the jail.

(d) This section does not apply to a person employed by the county department that operates the juvenile hall, camp, or ranch who operates the unmanned aircraft system within the scope of their employment, or a person who receives prior permission from the county department that operates the juvenile hall, camp, or ranch to operate the unmanned aircraft system over the juvenile hall, camp, or ranch.

(e) For purposes of this section, the following definitions apply:

(1) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(2) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

~~SEC. 7.~~**SEC. 6.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.