

**REVISED PROPOSED REGULATION OF THE
DEPARTMENT OF PUBLIC SAFETY**

LCB File No. R111-23

January 22, 2023

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-3, NRS 493.118, as amended by sections 1.7 and 1.9 of Senate Bill No. 11, chapter 446, Statutes of Nevada 2023, at pages 2735 and 2736, respectively.

A REGULATION relating to unmanned aerial vehicles; establishing certain prohibitions relating to the operation, purchase and acquisition of unmanned aerial vehicles and certain equipment and services relating to unmanned aerial vehicles; authorizing a public agency that operates an unmanned aerial vehicle and is registered with the Department of Public Safety to conduct certain scheduled inspections; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Senate Bill No. 11 (S.B. 11) of the 2023 Legislative Session requires the Department of Public Safety to adopt regulations to establish a list of: (1) countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and (2) unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire. (NRS 493.118, as amended by section 1.9 of Senate Bill No. 11, chapter 446, Statutes of Nevada 2023, at page 2736) **Section 1** of this regulation establishes this list. **Section 1** also adopts by reference a publication of the United States Department of Defense relating to countries, businesses and entities from which a public agency or law enforcement agency may not operate, purchase or acquire unmanned aerial vehicles or other equipment or services relating to the operation of unmanned aerial vehicles.

S.B. 11 authorizes a public agency in this State to operate an unmanned aerial vehicle only if the agency: (1) registers the unmanned aerial vehicle with the Department; and (2) operates the unmanned aerial vehicle in accordance with any regulations adopted by the Department. (NRS 493.115, as amended by section 1.3 of Senate Bill No. 11, chapter 446, Statutes of Nevada 2023, at page 2735, NRS 493.118, as amended by section 1.7 of Senate Bill No. 11, chapter 446, Statutes of Nevada 2023, at page 2735) S.B. 11 requires that the regulations adopted by the Department include provisions that authorize, as a public purpose, a public agency to operate an unmanned aerial vehicle that is registered with the Department to conduct scheduled inspections to ensure compliance with building and fire codes and laws, ordinances, regulations and rules adopting or establishing building and fire codes. (NRS 493.118, as

amended by section 1.7 of Senate Bill No. 11, chapter 446, Statutes of Nevada 2023, at page 2735) **Section 2** of this regulation adds such scheduled inspections to the list of public purposes for which a public agency may operate such an unmanned aerial vehicle.

Existing law requires the Department to adopt regulations that prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during a scheduled inspection to ensure compliance with building and fire codes and laws, ordinances, regulations and rules adopting or establishing building and fire codes. (NRS 493.118, as amended by section 1.7 of Senate Bill No. 11, chapter 446, Statutes of Nevada 2023, at page 2735) **Section 2** prohibits a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during such an inspection.

Section 1. Chapter 493 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Department hereby adopts by reference the list entitled “Entities Identified as Chinese Military Companies Operating in the United States in Accordance with Section 1260H of the William M. (“Mac”) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283),” published by the United States Department of Defense, as the list existed on January 1, 2023. A copy of the list may be obtained free of charge from the United States Department of Defense at the Internet address <https://media.defense.gov/2022/Oct/05/2003091659/-1/-1/0/1260H%20COMPANIES.PDF>.

2. Except as otherwise provided in subsection 3, in accordance with NRS 493.118, as amended by section 1.9 of Senate Bill No. 11, chapter 446, Statutes of Nevada 2023, at page 2736, a public agency or law enforcement agency shall not:

(a) Purchase or acquire an unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle from a country, business or entity identified by the Secretary of Defense of the United States Department of Defense in the list entitled “Entities Identified as Chinese Military Companies Operating in the United States in

Accordance with Section 1260H of the William M. ("Mac") Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283)" adopted in subsection 1; or

(b) Operate, purchase or acquire:

(1) Any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle sold, manufactured or distributed by an entity identified by the Secretary of Defense of the United States Department of Defense in the list entitled "Entities Identified as Chinese Military Companies Operating in the United States in Accordance with Section 1260H of the William M. ("Mac") Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283)" adopted in subsection 1;

(2) Any hardware, software or service or purchase from any vendor prohibited from being used by a state agency in Nevada pursuant to a regulation, guideline or policy adopted by the Office of the Chief Information Officer within the Office of the Governor pursuant to NRS 242.111, as amended by section 62 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3559, and NRS 242.115, as amended by section 63 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3560; or

(3) Any other unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that is inappropriate for operation, purchase or acquisition in this State, as determined by the Department.

3. The provisions of this section do not apply to the use or operation of an unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that was purchased or acquired by a public agency or law enforcement agency before January 1, 2025.

Sec. 2. NAC 493.100 is hereby amended to read as follows:

493.100 *1.* A public agency which has registered an unmanned aerial vehicle with the Department of Public Safety in accordance with NRS 493.118 may operate the unmanned aerial vehicle for one or more of the following public purposes:

~~11.~~ *(a)* Fire services;

~~12.~~ *(b)* Emergency medical services;

~~13.~~ *(c)* Protection of a critical facility that is public property;

~~14.~~ *(d)* Search and rescue operations;

~~15.~~ *(e)* Preparation for, response to and recovery from emergencies and disasters;

~~16.~~ *(f)* Communications relay and delivery;

~~17.~~ *(g)* Surveying and mapping;

~~18.~~ *(h)* *Scheduled inspections to ensure compliance with building or fire codes or laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency;*

(i) Inspection of public land and infrastructure;

~~19.~~ *(j)* Inspection and testing of hazardous materials;

~~110.~~ *(k)* Inspection and evaluation of natural resources;

~~111.~~ *(l)* Inspection and evaluation of wildlife;

~~112.~~ *(m)* Inspection and evaluation of agricultural and environmental conditions;

~~113.~~ *(n)* Training of employees of a public agency;

~~114.~~ *(o)* Research and development of unmanned aerial vehicles;

~~115.~~ *(p)* Maintenance and testing of unmanned aerial vehicles;

~~116.~~ *(q)* Air quality testing; and

~~117.~~ *(r)* Evaluation of meteorological conditions.

2. Any scheduled inspection conducted by a public agency pursuant to paragraph (h) of subsection 1 is subject to the prohibitions set forth in paragraph (b) of subsection 5 of NRS 493.118, as amended by as amended by section 1.7 of Senate Bill No. 11, chapter 446, Statutes of Nevada 2023, at page 2735.

Sec. 3. 1. This section and section 2 of this regulation become effective on the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

2. Section 1 of this regulation becomes effective on January 1, 2025.