



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Consumer Protection & Commerce
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by
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HB 314 – RELATING TO UNMANNED AERIAL VEHICLES

Chair McKelvey, Vice Chair Ichiyama and members of the committee:

The University of Hawai'i (UH) supports the intent of these measures to address the operation of small Unmanned Aircraft Systems (more commonly known as drones), but we are concerned that these state measures reach too broadly.

The federal authorities, notably the FAA, have exclusive jurisdiction to regulate the nation's airspace. The airspace includes zones where these small UAS operate. These zones and their restrictions (including waivers and exemptions) are detailed in federal regulation: for example, what kind of notification must be given prior to operating a drone, and to whom; how far from airports or hospitals must a drone stay clear; how high can a drone fly; what is the maximum weight; what training or certification must a drone operator have; what kind of controls must be in place to ensure safe operations; must drones be operated in visual line of sight.

Moreover, these federal rules are dynamic and continually evolving in an attempt to keep up with the underlying technology of UASs.

Attempts by a state legislature to add another layer of operational regulation to the FAA regulations would create confusion, inconsistency, and ultimately may prove ineffective because of the federal preemption.

What may be proper for a state legislature to consider are passing state criminal laws defining, for example, invasion of privacy committed by operators using UAS, and the resulting criminal penalties.

We suggest that these UAS measures be amended to limit their scope to purely state matters, such as criminal law enforcement for state-established crimes.

Thank you for the opportunity to testify on this measure.