

I. Texas

CHAPTER 423. USE OF UNMANNED AIRCRAFT

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.423.htm>

Pertinent language:

Sec. 423.003. OFFENSE: ILLEGAL USE OF UNMANNED AIRCRAFT TO CAPTURE IMAGE. (a) A person commits an offense if the person uses an unmanned aircraft to **capture an image** of an individual or privately owned real property in this state **with the intent to conduct surveillance** on the individual or property captured in the image.

(b) An offense under this section is a Class C misdemeanor.

Exceptions:

(a) It is lawful to capture an image using an unmanned aircraft in this state:

(1) for purposes of professional or scholarly research and development by a person acting on behalf of an institution of higher education, as defined by Section [61.003](#), Education Code

...

(13) if the image is captured by a Texas licensed real estate broker in connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image;

...

(15) from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception;

...

(17) if the image is captured by the owner or operator of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing pipelines or other related facilities, and is captured without the intent to conduct surveillance on an individual or real property located in this state;

II. Oregon

§ 837.380 OWNERS OF REAL PROPERTY

<http://www.oregonlaws.org/ors/837.380>

Pertinent language:

(1) Except as provided in subsection (2) of this section, a person who owns or lawfully occupies real property in this state may bring an action against any person or public body that operates a drone that is flown at a height of less than 400 feet over the property if:

(a) The operator of the drone has flown the drone over the property at a height of less than 400 feet on at least one previous occasion; and

(b) The person notified the owner or operator of the drone that the person did not want the drone flown over the property at a height of less than 400 feet.

NOTE: Amended in 2015 to strike “at a height of less than 400 feet”

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB2354/Enrolled>

...

(3) A prevailing plaintiff may recover treble damages for any injury to the person or the property by reason of a trespass by a drone as described in this section, and may be awarded injunctive relief in the action.

(4) A prevailing plaintiff may recover attorney fees

(5) The Attorney General, on behalf of the State of Oregon, may bring an action or claim for relief alleging nuisance or trespass arising from the operation of a drone in the airspace over this state. A court shall award reasonable attorney fees to the Attorney General if the Attorney General prevails in an action under this section.

Exceptions:

(2) A person may not bring an action under this section if:

(a) The drone is lawfully in the flight path for landing at an airport, airfield or runway; and

(b) The drone is in the process of taking off or landing.

III. Wisconsin

942.10 USE OF A DRONE

<http://docs.legis.wisconsin.gov/statutes/statutes/942/10>

Pertinent language:

Whoever uses a drone, as defined in s. [175.55 \(1\) \(a\)](#), with the intent to photograph, record, or otherwise observe another individual in a place or location where the individual has a reasonable expectation of privacy is guilty of Class A misdemeanor. This section does not apply to a law enforcement officer authorized to use a drone pursuant to s. [175.55 \(2\)](#).