

Joe Lombardo
Governor



Nevada Department of
Public Safety
Dedication Pride Service

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October 24, 2024

NOTICE TO INTENT TO ACT UPON A REGULATION

LCB File No. R111-23

Relating to Unmanned Aerial Vehicles

Notice of Hearing for the adoption and regulations of Chapter 493 of the Nevada Administrative Code as proposed by LCB File No. R111-23.

The Department of Public Safety will hold a public hearing **on Tuesday, November 26, 2024, at 2:00 pm** at:

The Department of Public Safety – Training Room 2nd Floor, 555 Wright Way, Carson City, NV 89711.

Remote Technology Access Information

<https://microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1>

Meeting ID: 217 653 591 719

Passcode: djkcUE

Phone Access Information

Phone Access: [+1 775-321-6111,,966673788#](tel:+17753216111966673788)

Conference ID#: 966 673 788#

Please MUTE your phone while listening to the meeting, except when making public comments.

The hearing concerns the adoption and regulation amendments relating to unmanned aerial vehicles. The purpose of this hearing is to receive comments from all interested persons regarding adoption of regulations pertaining to Nevada Administrative Code (NAC) 493.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. The need and the purpose of the regulation amendment

The Department of Public Safety drafted proposed regulation amendments to NAC 493. The regulation amendments were a requirement of Senate Bill 11 of the 2023 Legislative Session. A public hearing was held on Wednesday, August 7, 2024, and information collected by the Department of Public Safety has been incorporated into the draft regulation amendment scheduled for Tuesday, November 26, 2024.

2. How to obtain the approved or revised text of regulations

You may obtain a copy of the proposed permanent or repealed regulations at [https:// https://dps.nv.gov/resources/Unmanned_Aerial_Vehicle/](https://dps.nv.gov/resources/Unmanned_Aerial_Vehicle/)

3. Methods used in determining the impact on small business

The Department used informed, reasonable judgment in determining there would not be an impact on small business due to the nature of regulation changes to NAC 493.

The proposed amendments would bring NAC 493 into compliance with Senate Bill 11 of the 2023 Legislative Session. (§§1-3, NRS 493.118, as amended by section 1.7 and 1.9 of Senate Bill 11, chapter 446, Statutes of Nevada 2023, at pages 2735 and 2736, respectively; NRS 493.115, as amended by §1.3 of Senate Bill No. 11, chapter 446, Statutes of Nevada 2023, at page 2735).

4. Estimated economic effect of regulation on business and the public

a. Adverse and beneficial effects

The Department finds that the proposes changes to NAC 493 will have no adverse economic effect on small businesses. After January 1, 2025, a public agency or law enforcement agency shall only purchase or acquire an unmanned aerial vehicle or other equipment or service related to the operation of an unmanned aerial vehicle from a county, business or entity approved by the Secretary of Defense of the United States Department of Defense. The proposed changes may result in greater costs for future purchases, though these costs are unknown. The proposed regulations do not apply to equipment and services purchased prior to January 1, 2025.

b. Both immediate and long-term effects

The proposed amendments of NAC 493 do not present any reasonable, foreseeable, or anticipated immediate or long-term economic effects on small businesses. After January 1, 2025, a public agency or law enforcement agency shall only purchase or acquire an unmanned aerial vehicle or other equipment or service related to the operation of an unmanned aerial vehicle from a county, business or entity approved by the Secretary of Defense of the United States Department of Defense. The proposed changes may result in greater costs for

future purchases, though these costs are unknown. The proposed regulations do not apply to equipment and services purchased prior to January 1, 2025.

5. Cost for enforcement of the regulations

The proposed amendments of NAC 493 present no significant foreseeable or anticipated cost. Enforcement of violations of the proposed amendments would be the responsibility of the local law enforcement agency of jurisdiction.

6. Overlap or duplication of other state or local government agencies.

The proposed amendments of NAC 493 do not overlap or duplicate any regulations of other federal, state or local government entities.

7. Regulation required by federal law

Not applicable, the federal regulations do not address the states requirements.

8. More stringent than federal regulations

The Department is not aware of any similar federal regulations or the same activity in which the state regulations are more stringent for NAC 493.

9. New or increases in existing fees

The proposed amendment to NAC 493 does not include new fees or increase an existing fee.

Persons wishing to comment upon the proposed action of the Department may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, by email to jsimpson@dps.state.nv.us or by mail to the Nevada Highway Patrol, Attn. Major James T. Simpson, 555 Wright Way, Carson City, NV 89711. Written submissions must be received by the Department on or before Friday, November 22, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be amended/repealed will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, NV, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be amended/repealed will be available at the Nevada Department of Motor Vehicles at 555 Wright Way, Carson City, NV 89711 for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to [233B.0653](#), and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations:

Nevada Department of Public Safety
555 Wright Way, Carson City, NV 89711

Nevada State Library and Archives
100 N Stewart St, Carson City, NV 89701

Nevada Department of Motor Vehicles
555 Wright Way, Carson City, NV 89711

Nevada Department of Public Safety
6830 Bermuda Road, Las Vegas, NV 89119

DPS Public Website:

https://dps.nv.gov/resources/Unmanned_Aerial_Vehicle/

Nevada Public Notice Website:

[Home - Nevada Public Notices Website - NV.gov](https://www.nv.gov/public-notices/)

Nevada State Legislature Website:

[Meeting Notice](https://www.leg.state.nv.us/MeetingNotice/)



AGENDA

NOTICE OF INTENT TO ACT UPON A REGULATION

Tuesday, November 26, 2024, at 2:00 pm

Location:

Nevada Department of Public Safety
Training Room 2nd Floor
555 Wright Way
Carson City, NV 89711

Remote Technology Access Information

<https://microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1>

Meeting ID: 217 653 591 719

Passcode: djkcUE

Phone Access Information

Phone Access: [+1 775-321-6111,966673788#](tel:+17753216111966673788)

Conference ID#: 966 673 788#

The Department of Public Safety may take action on items marked “Discussion/For Possible Action”. Items may be taken out of order, presented on the agenda at the discretion of the DPS. Items may be combined for consideration and items may be pulled or removed from the agenda at any time at the discretion of the DPS.

I. Call to Order (Non-action item)

II. Public Comment (Non-action item)

Because of time considerations, each person offering testimony during this period of public comment will be limited to not more than 2 minutes. Comments will not be restricted based on viewpoint.

A person may also have comments added to the minutes of the meeting by submitting them in writing. Written comments may be submitted electronically on or before November 25, 2024, by email to jsimpson@dps.state.nv.us. You may also mail written documents to the Nevada Highway Patrol, Attn. Major James T. Simpson, 555 Wright Way, Carson City, NV 89711 or fax them to (775) 684-4879.

III. Notice of Intent to Act Upon a Regulation (Discussion/For Possible Action)

a. NAC 493 – Aeronautics Generally

IV. Public Comment (Non-action item)

Because of time considerations, each person offering testimony during this period will be limited to not more than 2 minutes. Comments will not be restricted based on viewpoint.

A person may also have comments added to the minutes of the meeting by submitting them in writing. Written comments may be submitted electronically on or before November 25, 2024, by email to jsimpson@dps.state.nv.us. You may also mail written documents to the Nevada Highway Patrol, Attn. Major James T. Simpson, 555 Wright Way, Carson City, NV 89711 or fax them to (775) 684-4879.

V. Adjournment (Discussion/For Possible Action)

This is a public meeting, in conformance with Nevada Public Meeting Law, I, Major James T. Simpson, on behalf of the Nevada Department of Public Safety posted or caused the posting of this agenda on or before Sunday, October 27, 2024, at 5:00 pm at the following locations:

Nevada Department of Public Safety
555 Wright Way, Carson City, NV 89711

Nevada State Library and Archives
100 N Stewart St, Carson City, NV 89701

Nevada Department of Motor Vehicles
555 Wright Way, Carson City, NV 89711

DPS Public Website:

[https://dps.nv.gov/resources/Unmanned Aerial Vehicle/](https://dps.nv.gov/resources/Unmanned_Aerial_Vehicle/)

Nevada Public Notice Website:

[Home - Nevada Public Notices Website - NV.gov](https://www.nv.gov/public-notice/)

Nevada State Legislature Website:

[Meeting Notice](https://legis.nv.gov/Meeting-Notice)

Electronically Posted pursuant to NRS 241.020(4)

Pursuant to NRS 241.020(2)(c), a copy of supporting materials for this meeting may be obtained by contacting Major James T. Simpson, Nevada Department of Public Safety – Highway Patrol Division, 555 Wright Way, Carson City, NV 89711. (775) 684-4958 – jsimpson@dps.state.nv.us

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Major James T. Simpson of the Nevada Department of Public Safety – Highway Patrol Division at (775) 684-4958 or jsimpson@dps.state.nv.us, no later than two working days prior to the scheduled meeting.



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

LCB File No. R111-23

December 4, 2023

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

AUTHORITY: §§1-5, 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.

A REGULATION relating to unmanned aerial vehicles; adopting certain federal laws by reference; 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:

Existing law requires the Department of Public Safety to adopt regulations to establish: (1) a list of 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) a list of 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 3** of this regulation establishes this list. **Section 2** of this regulation adopts by reference certain provisions of federal law related to countries, businesses and entities from which a public agency or law enforcement agency may not purchase or acquire unmanned aerial vehicles or other equipment or services relating to the operation of unmanned aerial vehicles.

Existing law 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) Existing law requires the regulations adopted by the Department to 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 4** 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 4** 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 the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 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.*

2. A copy of the publication adopted by reference pursuant to subsection 1 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>.

Sec. 3. 1. *Except as otherwise provided in subsection 2, 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 from a country, business or entity or sold, manufactured or distributed by an entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (“Mac”) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283; or

(b) Operate, purchase or acquire:

(1) Any hardware, software or service or purchase from any vendor prohibited from being used by a state agency 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 242.115, as amended by section 63 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3560; or

(2) 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.

2. 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. 4. 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;

~~10.~~ (k) Inspection and evaluation of natural resources;

~~11.~~ (l) Inspection and evaluation of wildlife;

~~12.~~ (m) Inspection and evaluation of agricultural and environmental conditions;

~~13.~~ (n) Training of employees of a public agency;

~~14.~~ (o) Research and development of unmanned aerial vehicles;

~~15.~~ (p) Maintenance and testing of unmanned aerial vehicles;

~~16.~~ (q) Air quality testing; and

~~17.~~ (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. 5. 1. This section and sections 1, 2, and 4 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 3 of this regulation becomes effective on January 1, 2025.

Joe Lombardo
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December 15, 2023

Proposed Regulation of the Nevada Department of Public Safety

Small Business Impact Statement

Pursuant to NRS 233B.0608(1), the Nevada Department of Public Safety is required determine whether its proposed regulations will: (a) Impose a direct and significant economic burden upon a small business; or (b) Directly restrict the formation, operation or expansion of a small business.

NRS 233B.0382 defines small business: "Small business" means a business conducted for profit which employs fewer than 150 full-time or part-time employees.

The Department of Public Safety has considered the two factors in NRS 233B.0608(1) and has determined that a Small Business Impact Statement is not required pursuant to NRS 233B.0609, based upon the following:

1. Except as otherwise provided in subsections NRS 495.112 and NRS 493.115, this regulation will only impact law enforcement agencies and public agencies. These agencies will not be able to operate, purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118. A law enforcement agency or public agency may operate or use an unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that was purchased or acquired before the effective date of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118.

This will not impose a direct and significant economic burden upon small businesses. Law enforcement agencies or public agencies have the ability operate, purchase and acquire vehicles and equipment that are on the list of prohibited items until January 1, 2025. That time frame allows for businesses to continue to sell their current inventory to law enforcement agencies and public agencies in Nevada. There are no restrictions on the sale of these items to private persons or private businesses. Furthermore, to date, this and similar regulations have only been adopted in approximately nine states.

Capitol Police • Highway Patrol • Investigations • Parole and Probation • State Fire Marshal • Training Division
• Office of Traffic Safety • Office of Professional Responsibility • Office of Criminal Justice Assistance
• Records, Communications and Compliance • Office of Cyber Defense Coordination • Emergency Response Commission


The provided date of adoption, being January 1, 2025, allows businesses to plan for these changes and build their business plan around them.

After January 1, 2025, it is still expected that law enforcement and public agencies will purchase, operate and acquire unmanned vehicles, other equipment or services relating to the operation of unmanned aerial vehicles. The businesses that currently sell these same items, can continue selling all items to private persons or private businesses. With adoption of these regulations, these businesses will still be able to sell unmanned vehicles, other equipment or services relating to the operation of unmanned aerial vehicles, however these items must not be on the unapproved list.

2. The regulations give the opportunity for new businesses to succeed. This could be in the manufacturing and sales of new and improved products.
3. Any proposed regulation amendments, including those above in subsection 1., will not impose a direct and significant economic burden upon small business and will not directly restrict the formation, operation or expansion of small business.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement is accurate.

Respectfully,



Major James T. Simpson
Nevada Department of Public Safety
Highway Patrol Division