

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Rhodesia Ransom, Chair

AB 426 (Dixon) – As Introduced February 5, 2025

SUBJECT: Local agencies: civil penalty for impeding emergency response with drone

SUMMARY: Prohibits a person who operates a drone at the site of an emergency that obstructs the emergency response and authorizes the Attorney General, a county counsel, or a city attorney to bring civil actions, as specified, for each violation.

Specifically, **this bill:**

- 1) Prohibits the operation or use of an unmanned aerial vehicle, remote piloted aircraft, or drone at a location where an emergency is occurring that prevents emergency personnel from performing fire suppression, law enforcement, or emergency response duties.
- 2) Authorizes the Attorney General or a county counsel or a city attorney to bring civil actions to enforce the above prohibition and authorizes the following for each violation:
 - a. A civil penalty of up to \$75,000
 - b. Injunctive Relief
 - c. Reasonable attorney's fees and costs
- 3) Grants an exception to a person with a Part 107 Operational Waiver issued by the Federal Aviation Administration, as specified.

EXISTING LAW:

- 1) Defines unmanned aircraft and unmanned aircraft systems, as specified. (Government Code § 853.5)
- 2) Declares each person at the scene of an emergency with the intention to view the emergency, as specified, that impedes the emergency response personnel in responding to the emergency, as specified, including the operation of an unmanned aerial vehicle or drone, guilty of a misdemeanor. (Penal Code § 402)
- 3) Exempts an emergency responder from liability for damage caused to an unmanned aircraft if the damage was caused while the emergency responder was providing emergency services, as specified, and the unmanned aircraft interfered, as specified. (Civil Code § 43.101)
- 4) Exempts a local public entity and local public employees from liability for damage caused to an unmanned aircraft if the damage was caused while providing emergency services, as specified, and the unmanned aircraft interfered, as specified. Government Code § 853)

FISCAL EFFECT: Unknown. A fiscal committee has not heard this bill.

COMMENTS:

Purpose of this bill: According to the author, “AB 426 is a necessary tool for our emergency services when unauthorized drones impede on wildfire suppression. According to the U.S. Forest Service, there were nine public drone incursions that resulted in the grounding of aerial firefighting efforts. Recently with the Palisades Fire in Los Angeles, a drone crashed into a firefighting Super Scooper plane, leaving a hole in the wing and grounding the aircraft for several days. Not only are the repairs to the specialized equipment costly, but an aircraft or multiple aircrafts being grounded for an unspecified amount of time can be life threatening.”

Equity Impact: According to the author’s staff, “With unauthorized drones becoming more accessible at lower prices, more people will have access to the airspace. Federal authorities have emphasized it is the responsibility of drone owners to know the rules, so it is important for drone owners to do their research. There are many organizations and websites that have public resources on the laws and rules about flying drones and the laws/regulations at both the state and federal level.”

Background: Firefighting aircraft play a crucial role in wildfire suppression by delivering water and fire retardant, as well as transporting personnel. Firefighting aircraft operate at very low altitudes—often just a few hundred feet above the ground—the same airspace where drones are typically flown. This creates a significant risk of midair collisions or pilot distractions that could lead to serious or fatal accidents. When unauthorized drones enter wildfire airspace, fire agencies often have to ground the firefighting aircraft to prevent midair collisions.

Suspending air operations can reduce the effectiveness of suppression efforts, allowing wildfires to grow larger and move into untreated terrain, thus endangering both firefighters and the public. Additionally, if a drone loses its communication link, it could crash and injure firefighters or civilians below.

To increase public awareness of these dangers, the U.S. Forest Service and USDA launched the "If You Fly, We Can't" campaign, emphasizing the importance of keeping drones away from wildfire areas.

Documented Cases: According to the Federal Aviation Administration (FAA), more than 100 documented cases of unauthorized drones interfering with wildfire response nationwide in recent years. According to the U.S. Department of Agriculture (USDA), in 2019, at least 20 documented instances of unauthorized drone flights in seven states—including at least 3 in California—resulted in the shutdown of aerial firefighting operations on nine occasions. More recently, during the 2025 Palisades Fire, a drone crashed into a Super Scooper aircraft, a firefighting aircraft that can carry and drop up to 1,500 gallons of water at a time. The drone damaged the Super Scooper’s left wing, causing a hole and requiring the plane to be grounded for several days. This aircraft also held two firefighters, placing their safety at risk, as well as the safety of anyone on the ground below if the pilot could not land the plane.

Temporary Flight Restrictions: The FAA frequently establishes Temporary Flight Restrictions (TFRs) around wildfires to protect firefighting aircraft. All unauthorized aircraft, including drones, are prohibited from entering these restricted areas unless operated by a firefighting agency. However, even when a TFR is not in place, interfering with wildfire suppression is still a federal crime.

Federal Penalties: Federal law imposes strict penalties on individuals who interfere with wildfire suppression efforts. Violators can face up to 12 months in prison for disrupting firefighting operations on public lands. Additionally, Congress has authorized the FAA to impose civil fines of up to \$75,000 against drone operators who conduct unsafe or unauthorized operations. This may include any interference with wildfire suppression, law enforcement, or emergency response operations.

Part 107 FAA Regulations and Waivers: To fly a drone under the FAA's Small UAS Rule (Part 107), the drone operator must obtain a Remote Pilot Certificate from the FAA. This certificate demonstrates that the operator understands the regulations, operating requirements, and procedures for safely flying drones. An operator may apply for a waiver, an official document issued by the FAA, which approves certain aircraft operations outside the limitations of the Part 107 regulations.

Double referral: Should this bill be approved, it will be referred to the Assembly Committee on the Judiciary.

Prior and Related Legislation:

SB 807 (Gaines) Chapter 834, Statutes of 2016. Grants civil immunity to local public entities, public employees, and unpaid volunteers and private entities acting within the scope of delegated authority granted by a local public entity that damage an unmanned aircraft system (UAS) in the course of providing emergency services

AB 1680 (Rodriguez) Chapter 817, Statutes of 2016. Makes it a misdemeanor to use a drone to impede specified emergency personnel in the performance of their duties while coping with an emergency.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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