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BILL ANALYSIS



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Senate Bill 992 (as introduced 5-25-16)
Sponsor: Senator Peter MacGregor
Committee: Transportation

Date Completed: 9-21-16

CONTENT

The bill would enact the "Unmanned Aerial Systems Act" to do the following:

- Allow a person authorized by the Federal Aviation Administration (FAA) to operate unmanned aerial systems for commercial purposes, to operate an unmanned aerial system in the State if the system were operated in a manner consistent with the authorization.
- Permit a person whose unmanned aerial system was registered by the FAA for recreational purposes to operate the system in the manner required by law for the operation of a model aircraft.
- Prohibit certain activities involving the use of an unmanned aerial system, and prescribe penalties.
- Prohibit a political subdivision from enacting an ordinance or resolution regulating the ownership or operation of unmanned aircraft or otherwise regulating ownership or operation of unmanned aircraft.
- Allow a political subdivision to promulgate rules, regulations, and ordinances for the use of unmanned aerial systems within the boundaries of the political subdivision.

The proposed Act would take effect 90 days after it was enacted.

"Unmanned aerial system" would mean an unmanned aircraft and all of the associated support equipment, control station, data links, telemetry, communications, navigation equipment, and other equipment necessary to operate the unmanned aircraft. "Unmanned aircraft" would mean the flying portion of an unmanned aerial system, flown by a pilot via a ground control system, or autonomously through the use of an on-board computer, communication links, and any additional equipment that is necessary for the unmanned aircraft to operate safely.

Lawful Unmanned Aerial System Operation

A person that was authorized by the FAA to operate unmanned aerial systems for commercial purposes could operate an unmanned aerial system in the State if the system were operated in a manner consistent with the authorization.

A person whose unmanned aerial system was registered by the FAA for recreational purposes only could operate the system in the State if the system were operated in the manner required by law for the operation of a model aircraft.

Prohibited Actions & Penalty

An individual could not knowingly and intentionally operate an unmanned aerial system in a manner that interfered with the official duties of any of the following:

- A police officer.
- A firefighter.
- A paramedic.
- Search and rescue personnel.

A person could not knowingly and intentionally operate an unmanned aerial system to subject an individual to harassment. "Harassment" would mean the term as defined in the Michigan Penal Code. (The Code defines "harassment" as conduct directed toward a victim that includes repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.)

A person could not knowingly and intentionally operate an unmanned aerial system within a distance that, if the person were to do so personally rather than through remote operation of an unmanned aircraft, would be a violation of a restraining order or other judicial order.

A person could not knowingly and intentionally operate an unmanned aerial system to capture photographs, video, or audio recordings of an individual in a manner that would invade the individual's reasonable expectation of privacy.

An individual who was required to register as a sex offender under the Sex Offenders Registration Act could not operate an unmanned aerial system to knowingly and intentionally follow, contact, or capture images of another individual, if the individual's sentence in a criminal case would prohibit him or her from following, contacting, or capturing the image of the other individual.

An individual who violated any of these provisions would be guilty of a misdemeanor punishable by imprisonment for up to 90 days or a maximum fine of \$500, or both.

Political Subdivisions & Conflicting Law

Except as expressly authorized by statute, a political subdivision could not enact an ordinance or resolution that regulated the ownership or operation of unmanned aircraft or otherwise engage in the regulation of the ownership or operation of unmanned aircraft.

The proposed Act would not prohibit a political subdivision from promulgating rules, regulations, and ordinances for the use of unmanned aerial systems by the political subdivision within the boundaries of the political subdivision.

The Act would not affect Federal preemption of State law.

If the Act conflicted with Section 40111c or 40112 of the Natural Resources and Environmental Protection Act those sections would control. (Section 40111c prohibits an individual from taking game or fish using an unmanned vehicle or unmanned device that uses aerodynamic forces to achieve flight or using an unmanned vehicle or unmanned device that operates on the surface of water or underwater. Section 401112 prohibits an individual from obstructing or interfering in the lawful taking of animals or fish by another individual, and lists actions that constitute a violation of that provision. The actions include the use of an unmanned vehicle or unmanned device that uses aerodynamic forces to achieve flight or that operates

on the surface of the water or underwater, to affect animal or fish behavior in order to hinder or prevent the lawful taking of an animal or fish.)

"Political subdivision" would mean a county, city, village, township, or other political subdivision, public corporation, authority, or district in the State.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local government. An increase in misdemeanor arrests and prosecutions could increase resource demands on law enforcement, court systems, and jails. Any increased fine revenue would be dedicated to public libraries.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.