

SUBSTITUTE FOR
HOUSE BILL NO. 4868

A bill to amend 1945 PA 327, entitled
"Aeronautics code of the state of Michigan,"
by amending section 9 (MCL 259.9), as amended by 2002 PA 35 and by
adding section 98.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. As used in this act:

2 (a) "Taxi" means the moving of an aircraft under its own power
3 either on the ground or on the surface of the water, ~~prior to~~
4 **BEFORE** the beginning of the take-off run and after the end of the
5 landing run.

6 (b) "Temporary commercial operations" means any commercial
7 operation conducted for a period not to exceed 120 days per
8 calendar year.

9 (c) "Ultralight" means an aircraft meeting requirements of 14

1 C.F.R.—CFR part 103.

2 (D) "UNMANNED AERIAL VEHICLE" MEANS AN AIRCRAFT THAT IS
3 OPERATED WITHOUT THE POSSIBILITY OF DIRECT HUMAN INTERVENTION FROM
4 WITHIN OR ON THE AIRCRAFT.

5 (E) ~~(d)~~—"Vehicle" means any device in, ~~upon,~~ ON, or by which a
6 person or property is or may be transported, except an aircraft.

7 SEC. 98. (1) AN INDIVIDUAL WHO IS OPERATING AN UNMANNED AERIAL
8 VEHICLE SHALL NOT DO ANY OF THE FOLLOWING:

9 (A) KNOWINGLY OPERATE THE UNMANNED AERIAL VEHICLE IN A MANNER
10 THAT OBSTRUCTS A PUBLIC SAFETY OPERATION.

11 (B) KNOWINGLY OPERATE THE UNMANNED AERIAL VEHICLE IN A MANNER
12 THAT INTERFERES WITH THE OPERATIONS OF A PUBLIC UTILITY, KEY
13 FACILITY, CORRECTIONAL FACILITY, OR PUBLIC TRANSPORTATION SERVICE.

14 (C) KNOWINGLY OPERATE THE UNMANNED AERIAL VEHICLE TO TRESPASS
15 AS PROHIBITED BY SECTION 552 OF THE MICHIGAN PENAL CODE, 1931 PA
16 328, MCL 750.552, WITHOUT LAWFUL AUTHORITY ON OR ABOVE PROPERTY
17 OWNED OR UNDER THE CONTROL OF ANOTHER PERSON.

18 (D) KNOWINGLY OPERATE THE UNMANNED AERIAL VEHICLE TO TRESPASS
19 ON OR ABOVE PROPERTY OWNED OR UNDER THE CONTROL OF ANOTHER PERSON
20 TO SUBJECT ANOTHER PERSON TO EAVESDROPPING OR SURVEILLANCE.

21 (E) KNOWINGLY OPERATE THE UNMANNED AERIAL VEHICLE FOR THE
22 PURPOSE OF COMMITTING AN ACT THAT IS PUNISHABLE AS A FELONY OR
23 MISDEMEANOR UNDER THE LAW OF THIS STATE.

24 (2) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
25 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR
26 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

27 (3) THIS SECTION DOES NOT AFFECT THE ABILITY TO INVESTIGATE OR

1 TO ARREST, PROSECUTE, OR CONVICT AN INDIVIDUAL FOR ANY OTHER
2 VIOLATION OF A LAW OF THIS STATE.

3 (4) THIS SECTION ONLY APPLIES TO INDIVIDUALS OPERATING AN
4 UNMANNED AERIAL VEHICLE FOR HOBBY OR RECREATION PURPOSES.

5 (5) AS USED IN THIS SECTION:

6 (A) "CORRECTIONAL FACILITY" MEANS A STATE CORRECTIONAL
7 FACILITY OR A JAIL AS THOSE TERMS ARE DEFINED IN SECTION 62 OF THE
8 CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.262, OR A FACILITY
9 OR INSTITUTION THAT IS MAINTAINED AND OPERATED BY A PRIVATE
10 CONTRACTOR UNDER SECTION 20I OF THE CORRECTIONS CODE OF 1953, 1953
11 PA 232, MCL 791.220I.

12 (B) "KEY FACILITY" MEANS THAT TERM AS DEFINED IN SECTION 552C
13 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.552C.

14 (C) "PUBLIC SAFETY OPERATION" MEANS AN OPERATION THAT INVOLVES
15 THE ACTIONS OF ANY OF THE FOLLOWING INDIVIDUALS WHILE THE
16 INDIVIDUAL IS PERFORMING HIS OR HER DUTIES:

17 (i) A POLICE OFFICER OF THIS STATE OR OF A POLITICAL
18 SUBDIVISION OF THIS STATE, INCLUDING, BUT NOT LIMITED TO, A MOTOR
19 CARRIER OFFICER OR CAPITOL SECURITY OFFICER OF THE DEPARTMENT OF
20 STATE POLICE.

21 (ii) A POLICE OFFICER OF A JUNIOR COLLEGE, COLLEGE, OR
22 UNIVERSITY WHO IS AUTHORIZED BY THE GOVERNING BOARD OF THE JUNIOR
23 COLLEGE, COLLEGE, OR UNIVERSITY TO ENFORCE STATE LAW AND THE RULES
24 AND ORDINANCES OF THE JUNIOR COLLEGE, COLLEGE, OR UNIVERSITY.

25 (iii) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
26 RESOURCES OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

27 (iv) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT OF

1 THE INTERIOR.

2 (v) A SHERIFF OR DEPUTY SHERIFF.

3 (vi) A CONSTABLE.

4 (vii) A PEACE OFFICER OF A DULY AUTHORIZED POLICE AGENCY OF
5 THE UNITED STATES, INCLUDING, BUT NOT LIMITED TO, AN AGENT OF THE
6 UNITED STATES DEPARTMENT OF JUSTICE.

7 (viii) AN EMPLOYEE OF THE UNITED STATES DEPARTMENT OF HOMELAND
8 SECURITY, INCLUDING, BUT NOT LIMITED TO, CUSTOMS AND BORDER
9 PROTECTION AND THE SECRET SERVICE.

10 (ix) A FIREFIGHTER.

11 (x) A STATE CORRECTIONAL OFFICER, AS THAT TERM IS DEFINED IN
12 SECTION 2 OF THE CORRECTIONAL OFFICERS' TRAINING ACT OF 1982, 1982
13 PA 415, MCL 791.502, OR A LOCAL CORRECTIONS OFFICER, AS THAT TERM
14 IS DEFINED IN SECTION 2 OF THE LOCAL CORRECTIONS OFFICERS TRAINING
15 ACT, 2003 PA 125, MCL 791.532.

16 (xi) A RAILROAD POLICE OFFICER, COMMISSIONED AS DESCRIBED IN
17 SECTION 385 OF THE RAILROAD CODE OF 1993, 1993 PA 354, MCL 462.385.

18 (xii) AN INDIVIDUAL LICENSED UNDER SECTION 20950 OF THE PUBLIC
19 HEALTH CODE, 1978 PA 368, MCL 333.20950.

20 (xiii) AN INDIVIDUAL ENGAGED IN A SEARCH AND RESCUE OPERATION
21 AS THAT TERM IS DEFINED IN SECTION 50C OF THE MICHIGAN PENAL CODE,
22 1931 PA 328, MCL 750.50C.

23 (xiv) AN INDIVIDUAL WHO IS A MEMBER OF THE UNITED STATES
24 MILITARY AND IN THE ACTIVE MILITARY SERVICE OF THE UNITED STATES OR
25 A MEMBER OF THE NATIONAL GUARD OR THE DEFENSE FORCE AND IN ACTIVE
26 STATE SERVICE, AS THAT TERM IS DEFINED IN SECTION 105 OF THE
27 MICHIGAN MILITARY ACT, 1967 PA 150, MCL 32.505.

1 (D) "PUBLIC TRANSPORTATION SERVICE" MEANS THAT TERM AS DEFINED
2 IN SECTION 10C OF 1951 PA 51, MCL 247.660C.

3 (E) "PUBLIC UTILITY" MEANS THAT TERM AS DEFINED IN SECTION 1
4 OF 1972 PA 299, MCL 460.111, BUT INCLUDING A MUNICIPALLY OWNED
5 UTILITY.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.