

# HOUSE BILL No. 4868

September 16, 2015, Introduced by Reps. Heise, Singh, Darany and Hughes and referred to the Committee on Criminal Justice.

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 3 (MCL 259.3), as amended by 2002 PA 35, and by adding section 98.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 3. As used in this act:

2           (a) "Balloon" means a lighter-than-air aircraft that is not  
3 engine driven and that sustains flight through the use of either  
4 gas buoyancy or an airborne heater.

5           (b) "Commercial activity or operations" means an activity or  
6 operation such as the sale of gasoline or oil, ~~the~~ soliciting or  
7 engaging in charter flying or flight instruction, ~~the provision of~~  
8 **PROVIDING** shelter or the tie-down of an aircraft, the overhaul or  
9 repair of an aircraft or of engines, or other activity or operation  
10 that offers aeronautic facilities or services to the public.

1 (c) "Commission" means the Michigan aeronautics commission.

2 (d) "Dealer" means a person engaged in the business of  
3 purchasing, selling, brokering, exchanging, or dealing in aircraft  
4 parts or in aircraft of a type required to be registered.

5 (e) "Decal plate" means ~~that~~**THE** distinctive tab, sticker,  
6 decal, or plate issued by the commission with the registration  
7 certificate for an aircraft.

8 (f) "Department" means the state transportation department,  
9 bureau of aeronautics.

10 (g) "Director" means the deputy director of the department,  
11 bureau of aeronautics who is the director of the Michigan  
12 aeronautics commission.

13 **(H) "DRONE" MEANS AN AIRCRAFT, OR OTHER FLYING DEVICE, THAT IS**  
14 **REMOTELY CONTROLLED.**

15 **SEC. 98. (1) AN INDIVIDUAL WHO IS OPERATING A DRONE SHALL NOT**  
16 **DO ANY OF THE FOLLOWING:**

17 **(A) KNOWINGLY FLY THE DRONE IN A MANNER THAT INTERFERES WITH A**  
18 **PUBLIC SAFETY OPERATION.**

19 **(B) KNOWINGLY FLY THE DRONE IN A MANNER THAT INTERFERES WITH**  
20 **THE PROVISION OF SERVICES BY A PUBLIC UTILITY.**

21 **(C) KNOWINGLY FLY THE DRONE FOR THE PURPOSE OF COMMITTING AN**  
22 **ACT THAT IS PUNISHABLE AS A FELONY OR MISDEMEANOR UNDER THE LAW OF**  
23 **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) AS USED IN THIS SECTION:**

1 (A) "PUBLIC SAFETY OPERATION" MEANS AN OPERATION THAT INVOLVES  
2 THE ACTIONS OF ANY OF THE FOLLOWING INDIVIDUALS WHILE THE  
3 INDIVIDUAL IS PERFORMING HIS OR HER DUTIES:

4 (i) A POLICE OFFICER OF THIS STATE OR OF A POLITICAL  
5 SUBDIVISION OF THIS STATE, INCLUDING, BUT NOT LIMITED TO, A MOTOR  
6 CARRIER OFFICER OR CAPITOL SECURITY OFFICER OF THE DEPARTMENT OF  
7 STATE POLICE.

8 (ii) A POLICE OFFICER OF A JUNIOR COLLEGE, COLLEGE, OR  
9 UNIVERSITY WHO IS AUTHORIZED BY THE GOVERNING BOARD OF THE JUNIOR  
10 COLLEGE, COLLEGE, OR UNIVERSITY TO ENFORCE STATE LAW AND THE RULES  
11 AND ORDINANCES OF THE JUNIOR COLLEGE, COLLEGE, OR UNIVERSITY.

12 (iii) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL  
13 RESOURCES OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

14 (iv) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT OF  
15 THE INTERIOR.

16 (v) A SHERIFF OR DEPUTY SHERIFF.

17 (vi) A CONSTABLE.

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

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

24 (ix) A FIREFIGHTER.

25 (x) AN INDIVIDUAL LICENSED UNDER SECTION 20950 OF THE PUBLIC  
26 HEALTH CODE, 1978 PA 368, MCL 333.20950.

27 (xi) AN INDIVIDUAL ENGAGED IN A SEARCH AND RESCUE OPERATION AS

1 THAT TERM IS DEFINED IN SECTION 50C OF THE MICHIGAN PENAL CODE,  
2 1931 PA 328, MCL 750.50C.

3 (xii) AN INDIVIDUAL WHO IS A MEMBER OF THE UNITED STATES  
4 MILITARY AND IN THE ACTIVE MILITARY SERVICE OF THE UNITED STATES OR  
5 A MEMBER OF THE NATIONAL GUARD OR THE DEFENSE FORCE AND IN ACTIVE  
6 STATE SERVICE, AS THAT TERM IS DEFINED IN SECTION 105 OF THE  
7 MICHIGAN MILITARY ACT, 1967 PA 150, MCL 32.505.

8 (B) "PUBLIC UTILITY" MEANS THAT TERM AS DEFINED IN SECTION 1  
9 OF 1972 PA 299, MCL 460.111, BUT INCLUDING A MUNICIPALLY OWNED  
10 UTILITY.

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