

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 992

A bill to provide for the operation and regulation of unmanned aircraft systems in this state; to create the unmanned aircraft systems task force; to provide for the powers and duties of state and local governmental officers and entities; and to prohibit conduct related to the operation of unmanned aircraft systems and prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "unmanned aircraft systems act".

3 Sec. 3. As used in this act:

4 (a) "Person" means an individual, partnership, corporation,
5 association, governmental entity, or other legal entity.

6 (b) "Political subdivision" means a county, city, village,

1 township, or other political subdivision, public corporation,
2 authority, or district in this state.

3 (c) "Unmanned aircraft system" means an unmanned aircraft and
4 all of the associated support equipment, control station, data
5 links, telemetry, communications, navigation equipment, and other
6 equipment necessary to operate the unmanned aircraft.

7 (d) "Unmanned aircraft" means an aircraft flown by a remote
8 pilot via a ground control system, or autonomously through use of
9 an on-board computer, communication links, and any additional
10 equipment that is necessary for the unmanned aircraft to operate
11 safely.

12 Sec. 5. (1) Except as expressly authorized by statute, a
13 political subdivision shall not enact or enforce an ordinance or
14 resolution that regulates the ownership or operation of unmanned
15 aircraft or otherwise engage in the regulation of the ownership or
16 operation of unmanned aircraft.

17 (2) This act does not prohibit a political subdivision from
18 promulgating rules, regulations, and ordinances for the use of
19 unmanned aircraft systems by the political subdivision within the
20 boundaries of the political subdivision.

21 (3) This act does not affect federal preemption of state law.

22 (4) If this act conflicts with section 40111c or 40112 of the
23 natural resources and environmental protection act, 1994 PA 451,
24 MCL 324.40111c and 324.40112, those sections control.

25 Sec. 11. A person that is authorized by the Federal Aviation
26 Administration to operate unmanned aircraft systems for commercial
27 purposes may operate an unmanned aircraft system in this state if

1 the unmanned aircraft system is operated in a manner consistent
2 with federal law.

3 Sec. 13. A person may operate an unmanned aircraft system in
4 this state for recreational purposes if the unmanned aircraft
5 system is operated in a manner consistent with federal law for the
6 operation of a model aircraft.

7 Sec. 21. An individual shall not knowingly and intentionally
8 operate an unmanned aircraft system in a manner that interferes
9 with the official duties of any of the following:

- 10 (a) A police officer.
- 11 (b) A firefighter.
- 12 (c) A paramedic.
- 13 (d) Search and rescue personnel.

14 Sec. 22. (1) A person shall not knowingly and intentionally
15 operate an unmanned aircraft system to subject an individual to
16 harassment. As used in this subsection, "harassment" means that
17 term as defined in section 411h or 411i of the Michigan penal code,
18 1931 PA 328, MCL 750.411h and 750.411i.

19 (2) A person shall not knowingly and intentionally operate an
20 unmanned aircraft system within a distance that, if the person were
21 to do so personally rather than through remote operation of an
22 unmanned aircraft, would be a violation of a restraining order or
23 other judicial order.

24 (3) A person shall not knowingly and intentionally operate an
25 unmanned aircraft system to violate section 539j of the Michigan
26 penal code, 1931 PA 328, MCL 750.539j, or to otherwise capture
27 photographs, video, or audio recordings of an individual in a

1 manner that would invade the individual's reasonable expectation of
2 privacy.

3 (4) An individual who is required to register as a sex
4 offender under the sex offenders registration act, 1994 PA 295, MCL
5 28.721 to 28.736, shall not operate an unmanned aircraft system to
6 knowingly and intentionally follow, contact, or capture images of
7 another individual, if the individual's sentence in a criminal case
8 would prohibit the individual from following, contacting, or
9 capturing the image of the other individual.

10 Sec. 23. (1) An individual who violates section 21 or 22 is
11 guilty of a misdemeanor punishable by imprisonment for not more
12 than 90 days or a fine of not more than \$500.00, or both.

13 (2) This section does not affect the ability to investigate or
14 to arrest, prosecute, or convict an individual for any other
15 violation of a law of this state.

16 Sec. 31. (1) The unmanned aircraft systems task force is
17 created to develop statewide policy recommendations on the
18 operation, use, and regulation of unmanned aircraft systems in this
19 state.

20 (2) Within 90 days after the effective date of this act, the
21 governor shall appoint initial members of the unmanned aircraft
22 systems task force. The individuals appointed to the unmanned
23 aircraft systems task force by the governor, initially and
24 subsequently, must comprise 1 member from each of the following
25 agencies or interest groups:

26 (a) A member from the state transportation department
27 nominated by the director of the state transportation department.

1 (b) A member from the division of the state transportation
2 department that performs bridge inspections and road work,
3 nominated by the director of the state transportation department.

4 (c) A member from the department of state police, nominated by
5 the director of the department of state police.

6 (d) A member from the department of natural resources,
7 nominated by the director of the department of natural resources.

8 (e) A member from the department of agriculture and rural
9 development, nominated by the director of the department of
10 agriculture and rural development.

11 (f) A member from the department of licensing and regulatory
12 affairs nominated by the director of the department of licensing
13 and regulatory affairs.

14 (g) A member from the department of corrections, nominated by
15 the director of the department of corrections.

16 (h) An unmanned aircraft systems technical commercial
17 representative.

18 (i) An unmanned aircraft systems manufacturing industry
19 representative.

20 (j) A member who is licensed by the Federal Aviation
21 Administration to operate unmanned aircraft that weigh less than 55
22 pounds.

23 (k) A member who represents airports in this state, nominated
24 by the director of the state transportation department.

25 (l) A member from the Michigan Municipal League, nominated by
26 the executive director of the Michigan Municipal League.

27 (m) A law enforcement official from a municipality, nominated

1 by a statewide police chiefs association.

2 (n) A member who represents county sheriffs, nominated by the
3 president of the Michigan Sheriffs' Association.

4 (o) A member of a statewide agricultural association,
5 nominated by the president of the association.

6 (p) A member of a statewide retail association, nominated by
7 the president of the association.

8 (q) A member of a statewide manufacturing trade association,
9 nominated by the president or chief executive officer of the
10 association.

11 (r) A member of a statewide property and casualty insurance
12 association, nominated by the president or chief executive officer
13 of the association.

14 (s) A member of a statewide association that represents real
15 estate brokers licensed in this state, nominated by the president
16 of the association.

17 (t) A member of a statewide surveying association, nominated
18 by the president of the association.

19 (u) A member of a statewide freight railroad association,
20 nominated by the president of the association.

21 (v) A member of a statewide broadcasters association,
22 nominated by the president of the association.

23 (w) A member who represents persons that operate key
24 facilities, as that term is defined in section 552c of the Michigan
25 penal code, 1931 PA 328, MCL 750.552c.

26 (x) A member who is knowledgeable about the operation of
27 public utilities who represents public utilities in the Upper

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1 Peninsula, nominated by the chairman of the public service
2 commission.

3 (y) A member who is knowledgeable about the operation of
4 public utilities who represents public utilities in the Lower
5 Peninsula, nominated by the chairman of the public service
6 commission.

7 (z) A member who represents the Mackinac Bridge Authority,
8 nominated by the authority.

9 [(aa) A member who represents the city of Mackinac Island.]

10 (3) Initial nominations to the unmanned aircraft systems task
11 force must be submitted to the governor within 60 days after the
12 effective date of this act. The governor shall make the initial
13 appointments within 30 days after the close of nominations.

14 (4) Members of the unmanned aircraft systems task force shall
15 serve for terms of 4 years or until a successor is appointed,
16 whichever is later, except that of the initial members appointed, 6
17 members, as designated by the governor, shall serve for 1 year, 6
18 members, as designated by the governor, shall serve for 2 years,
19 and 7 members, as designated by the governor, shall serve for 3
20 years.

21 (5) If a vacancy occurs on the unmanned aircraft systems task
22 force, the governor shall make an appointment for the unexpired
23 term in the same manner as the original appointment.

24 (6) The governor may remove a member of the unmanned aircraft
25 systems task force for incompetence, dereliction of duty,
26 malfeasance, misfeasance, or nonfeasance in office, or any other
27 good cause.

(7) The member from the state transportation department shall

1 chair the unmanned aircraft systems task force and serve as a
2 liaison to the governor and the standing committees in the house
3 and senate that mainly deal with transportation issues. The
4 unmanned aircraft systems task force shall meet as necessary to
5 complete the duties of the task force. Meetings of the unmanned
6 aircraft systems task force must be held in the central part of
7 this state.

8 (8) A majority of the members of the unmanned aircraft systems
9 task force constitute a quorum for the transaction of business at a
10 meeting of the task force. A majority of the members present and
11 serving are required for official action of the task force.

12 (9) The unmanned aircraft systems task force shall conduct its
13 business at public meetings of the task force held in compliance
14 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

15 (10) A writing prepared, owned, used, in the possession of, or
16 retained by the unmanned aircraft systems task force in the
17 performance of an official function is subject to the freedom of
18 information act, 1976 PA 442, MCL 15.231 to 15.246.

19 (11) The members of the unmanned aircraft systems task force
20 must receive no compensation for serving as members of the task
21 force.

22 (12) The unmanned aircraft systems task force shall consider
23 commercial and private uses of unmanned aircraft systems, landowner
24 and privacy rights, as well as general rules and regulations for
25 safe operation of unmanned aircraft systems, and prepare
26 comprehensive recommendations for the safe and lawful operation of
27 unmanned aircraft systems in this state. The recommendations must

1 include, but not be limited to, recommendations regarding the
2 protection of public and private property interests and the use of
3 unmanned aircraft systems over public property.

4 (13) The state transportation department shall provide
5 administrative support to the unmanned aircraft systems task force.

6 (14) The unmanned aircraft systems task force shall submit a
7 report with recommendations to the governor and the standing
8 committees in the house and senate that mainly deal with
9 transportation issues within 3 months after the first meeting of
10 the task force.

11 (15) After submitting the report required under subsection
12 (14), the unmanned aircraft systems task force shall meet not less
13 than once every 18 months to consider any new developments or
14 problems that may require further consideration and recommendations
15 by the task force.

16 Enacting section 1. This act takes effect 90 days after the
17 date it is enacted into law.