

Act No. 442
Public Acts of 2018
Approved by the Governor
December 20, 2018
Filed with the Secretary of State
December 21, 2018
EFFECTIVE DATE: March 21, 2019

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Senator MacGregor

ENROLLED SENATE BILL No. 1233

AN ACT to amend 2016 PA 436, entitled "An act 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," (MCL 259.301 to 259.331) by adding section 7.

The People of the State of Michigan enact:

Sec. 7. (1) Except as otherwise provided in subsection (6), a department, agency, board, or commission of this state or a person under a contract with or acting at the direction or on behalf of a department, agency, board, or commission of this state shall not use an unmanned aircraft system to surveil, inspect, or gather evidence or collect information about a facility that is subject to a permit, license, or order issued by or a decree or other requirement governed by that department, agency, board, or commission unless any of the following apply:

(a) The owner or operator of the facility has given express consent for the use of an unmanned aircraft system for the purposes described in this subsection in a particular instance.

(b) The department, agency, board, commission, or person is acting under a valid search warrant and the use of the unmanned aircraft system is strictly limited to the subject matter and scope of that warrant.

(c) The department, agency, board, or commission has reason to believe that there may be an imminent threat to public health, safety, property, or the natural resources of the state from the facility and the use of the unmanned aircraft system is strictly limited to the investigation of that imminent threat.

(d) The department, agency, board, commission, or person is inspecting a roadway, highway, airport, airport approach corridor, port, or similar infrastructure.

(2) An unmanned aircraft system that is used as described in subsection (1) must be clearly marked as a state-owned or operated aircraft unless it is an unmanned aircraft system operated in accordance with subsection (3).

(3) For any use that is governed by subsection (1)(a), both of the following apply:

(a) Subject to subdivision (b), the consent of the owner or operator may be conditioned on the use of an unmanned aircraft system that is owned and operated by that owner or operator under, and in compliance with, Federal Aviation Administration regulations, authorizations, or exemptions. The department, agency, board, commission, or person under contract with or acting at the direction or on behalf of the department, agency, board, or commission shall allow, under its direct supervision, the use of the unmanned aircraft system by the owner or operator to conduct the surveillance, inspection, evidence gathering, or information collecting under this section, if doing so will gather information of a quality and nature sufficient for the intended purpose of the surveillance, inspection, evidence gathering, or information collection.

(b) If the owner or operator provides consent on the condition described in subdivision (a), or if the owner or operator withholds consent, the owner or operator shall provide to the department, agency, board, or commission a statement, in writing, that indicates the health and safety reasons for providing consent on the condition described in subdivision (a) or withholding consent.

(4) Any surveillance, inspection, evidence gathering, or information collecting conducted under subsection (1)(c) shall be under the direct supervision of the department, agency, board, or commission.

(5) Any data, including videos, photographic images, or geospatial data, collected by the operation of an unmanned aircraft system concerning a facility described in subsection (1) shall be furnished promptly to the facility's owner or operator upon request and shall be rebuttably presumed to be not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

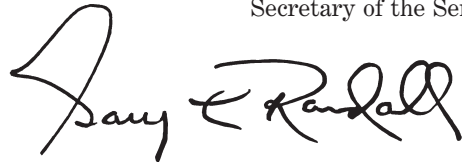
(6) This section does not apply to a law enforcement agency operating an unmanned aircraft system as part of a law enforcement investigation.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor