

# SENATE BILL No. 700

January 13, 2016, Introduced by Senators NOFS, COLBECK and HORN and referred to the Committee on Transportation.

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 chapter VA.

## 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.

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

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

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

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

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

12 (H) "DRONE" MEANS AN AIRCRAFT, OR OTHER FLYING DEVICE, THAT IS  
13 AUTONOMOUS.

#### 14 CHAPTER VA

#### 15 REGULATION OF UNMANNED AERIAL VEHICLES

#### 16 SEC. 95. AS USED IN THIS CHAPTER:

17 (A) "CLASS B, C, D, OR E AIRSPACE" MEANS AIRSPACE DESCRIBED AS  
18 CLASS B UNDER 14 CFR 71.41, AS CLASS C UNDER 14 CFR 71.51, AS CLASS  
19 D UNDER 14 CFR 71.61, OR AS CLASS E UNDER 14 CFR 71.71.

20 (B) "CLASS G AIRSPACE" MEANS THAT TERM AS DESCRIBED IN 14 CFR  
21 PART 71.

22 (C) "IMMEDIATE REACHES ABOVE THE SURFACE OF THE PROPERTY"  
23 MEANS THAT TERM AS DEFINED IN SECTION 40 OF 1846 RS 66, MCL  
24 554.140.

25 (D) "OPERATE" MEANS TO FLY OR CAUSE TO FLY, INCLUDING, BUT NOT  
26 LIMITED TO, BY REMOTE CONTROL OR PROGRAMMING.

27 SEC. 96. (1) A PERSON SHALL NOT OPERATE A DRONE ABOVE PUBLICLY

1 OWNED LAND UNLESS:

2 (A) IF THE LAND IS OWNED BY THE FEDERAL GOVERNMENT, THE  
3 FEDERAL GOVERNMENT PASSES A LAW THAT ALLOWS THE OPERATION AND THE  
4 OPERATION IS IN CONFORMITY WITH THE LAW.

5 (B) IF THE LAND IS OWNED BY THE STATE GOVERNMENT, THE STATE  
6 GOVERNMENT PASSES A LAW THAT ALLOWS THE OPERATION AND THE OPERATION  
7 IS IN CONFORMITY WITH THE LAW.

8 (C) IF THE LAND IS OWNED BY ANOTHER UNIT OF GOVERNMENT, THE  
9 UNIT OF GOVERNMENT ADOPTS AN ORDINANCE THAT ALLOWS THE OPERATION  
10 AND THE OPERATION IS IN CONFORMITY WITH THE ORDINANCE.

11 (2) A PERSON SHALL NOT OPERATE A DRONE ABOVE PUBLICLY OWNED  
12 LAND UNLESS THE OPERATION COMPLIES WITH ALL OF THE FOLLOWING  
13 RESTRICTIONS:

14 (A) THE OPERATION IS IN CLASS G AIRSPACE AT AN ALTITUDE THAT  
15 DOES NOT EXCEED THE IMMEDIATE REACHES ABOVE THE SURFACE OF THE  
16 PROPERTY.

17 (B) IF THE DRONE'S FLIGHT IS IN CLASS B, C, D, OR E AIRSPACE,  
18 THE FLIGHT IS WITH THE REQUIRED AIR TRAFFIC CONTROL PERMISSION.

19 (C) THE DRONE WEIGHS LESS THAN 55 POUNDS.

20 (D) THE DRONE REMAINS WITHIN THE VISUAL LINE OF SIGHT OF THE  
21 OPERATOR OR A VISUAL OBSERVER.

22 (E) THE DRONE REMAINS CLOSE ENOUGH TO THE OPERATOR FOR THE  
23 OPERATOR TO BE CAPABLE OF SEEING THE DRONE WITH VISION UNAIDED BY  
24 ANY DEVICE OTHER THAN CORRECTIVE LENSES.

25 (F) THE DRONE DOES NOT FLY OVER ANY INDIVIDUALS WHO ARE NOT  
26 DIRECTLY INVOLVED IN THE OPERATION OF THE DRONE.

27 (G) THE DRONE ONLY FLIES AFTER THE LOCAL SUNRISE AND BEFORE

1 THE LOCAL SUNSET.

2 (H) THE DRONE YIELDS THE RIGHT-OF-WAY TO OTHER AIRCRAFT,  
3 MANNED OR UNMANNED.

4 (I) THE DRONE MAY, BUT IS NOT REQUIRED TO, USE A VISUAL  
5 OBSERVER.

6 (J) A FIRST-PERSON VIEW CAMERA MAY BE USED. HOWEVER, THE USE  
7 OF A FIRST-PERSON VIEW CAMERA DOES NOT SATISFY THE SEE-AND-AVOID  
8 REQUIREMENT OF 14 CFR 91.113(B), AND THE SEE-AND-AVOID REQUIREMENT  
9 MUST BE SATISFIED IN OTHER WAYS.

10 (K) THE DRONE DOES NOT EXCEED AN AIRSPEED OF 100 MILES PER  
11 HOUR.

12 (L) THERE IS A MINIMUM WEATHER VISIBILITY OF 3 MILES FROM THE  
13 CONTROL STATION.

14 (M) AN INDIVIDUAL WHO IS ACTING AS AN OPERATOR OR VISUAL  
15 OBSERVER FOR THE DRONE IS NOT ACTING AS AN OPERATOR OR VISUAL  
16 OBSERVER FOR ANOTHER DRONE AT THE SAME TIME.

17 (N) THE OPERATION OR FLIGHT OF THE DRONE IS NOT CARELESS OR  
18 RECKLESS.

19 (O) THE DRONE WAS INSPECTED BEFORE IT FLEW BY THE OPERATOR.

20 (P) THE OPERATOR DOES NOT KNOW OR HAVE REASON TO KNOW THAT HE  
21 OR SHE HAS A PHYSICAL OR MENTAL CONDITION THAT WOULD INTERFERE WITH  
22 THE SAFE OPERATION OF A DRONE.

23 SEC. 98. A UNIT OF LOCAL GOVERNMENT SHALL NOT ADOPT AN  
24 ORDINANCE THAT PROHIBITS THE OPERATION OF DRONES ABOVE PRIVATE LAND  
25 IN THE UNIT OF LOCAL GOVERNMENT.

26 SEC. 99. (1) A UNIT OF LOCAL GOVERNMENT MAY ADOPT AN ORDINANCE  
27 THAT PROVIDES REASONABLE RESTRICTIONS ON THE OPERATION OF DRONES

1 ABOVE PRIVATE LAND IN THE UNIT OF LOCAL GOVERNMENT THAT ARE  
2 DESIGNED TO PROTECT THE PUBLIC SAFETY.

3 (2) A UNIT OF LOCAL GOVERNMENT THAT ADOPTS AN ORDINANCE UNDER  
4 SUBSECTION (1) SHALL ADOPT AN ORDINANCE THAT PROVIDES FOR THE  
5 LICENSING OF PERSONS WHO OPERATE DRONES IN THE UNIT OF LOCAL  
6 GOVERNMENT.

7 (3) A UNIT OF LOCAL GOVERNMENT MAY CHARGE A FEE FOR PROCESSING  
8 AND ISSUING A LICENSE UNDER SUBSECTION (2). THE FEE MUST NOT EXCEED  
9 THE REASONABLE EXPENSES OF THE UNIT OF LOCAL GOVERNMENT IN  
10 ACCEPTING, PROCESSING, AND ISSUING THE LICENSES AND OTHERWISE  
11 ADMINISTERING THE LICENSING PROGRAM.

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

14 Enacting section 2. This amendatory act does not take effect  
15 unless Senate Bill No. 699

16 of the 98th Legislature is enacted into law.