

ALLOW MACKINAC ISLAND TO REGULATE DRONES

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<http://www.house.mi.gov/hfa>

Senate Bill 129 (S-1) as passed by the Senate

Sponsor: Sen. Wayne Schmidt

House Committee: Transportation

Senate Committee: Transportation and Infrastructure

Complete to 5-3-19

Analysis available at

<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 129 would amend the Unmanned Aircraft Systems Act to allow Mackinac Island to enact and enforce an ordinance to regulate unmanned aircraft (i.e., drones).

Section 5 of the act currently prohibits local units of government or other public corporations or authorities from regulating the ownership or operation of drones.

Under the bill, this prohibition would not apply to a political subdivision that prohibits the operation of nonemergency motor vehicles (i.e., Mackinac Island). However, Mackinac Island could not prohibit the ownership or use of drones, if authorized under Federal Aviation Administration (FAA) regulations or an FAA remote pilot certification, by any of the following:

- A newsgatherer licensed by the Federal Communications Commission (FCC).
- An insurance company or adjuster for insurance purposes.
- A public utility to perform maintenance.
- Any person to perform maintenance of critical infrastructure.

Mackinac Island would have to petition the FAA for designation as a *fixed site facility* no later than 12 months after the effective date of the FAA rules that govern the processing of petitions for such a designation. The exception allowing local regulation as described above would no longer apply once the FAA designation of Mackinac Island as a fixed site facility was in effect.

Fixed site facilities: Section 2209 of the FAA Extension, Safety and Security Act of 2016 requires the FAA to develop a process by which to restrict the operation of drones above or near fixed site facilities where unauthorized drone use could present a hazard or a threat. The section limits consideration as a fixed site facility to the following: (i) Critical infrastructure, such as energy production, transmission, distribution facilities and equipment, and railroad facilities. (ii) Oil refineries and chemical facilities. (iii) Amusement parks. (iv) Other locations that warrant such restrictions. The FAA's final rules to carry out the requirements of section 2209 are supposed to be issued by March 31, 2020. Section 45a of the Michigan Penal Code currently prohibits a person from flying a drone, or causing one to hover, over a fixed site facility.

MCL 295.305

FISCAL IMPACT:

The bill would have no fiscal impact on state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.