

**SUBSTITUTE FOR
SENATE BILL NO. 129**

A bill to amend 2016 PA 436, entitled
"Unmanned aircraft systems act,"
by amending section 5 (MCL 259.305).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 (2) Subsection (1) does not apply to a political subdivision
7 that prohibits the operation of nonemergency motor vehicles in the
8 political subdivision. However, the political subdivision shall not
9 prohibit ownership or operation of an unmanned aircraft by a



1 newsgatherer licensed by the Federal Communications Commission, by
2 an insurance company or adjuster for insurance purposes, for
3 maintenance performed by a public utility, or for maintenance of
4 critical infrastructure, if that ownership or operation is
5 authorized under either of the following:

6 (a) Regulations, authorizations, or exemptions of the United
7 States Federal Aviation Administration.

8 (b) A remote pilot certification issued by the United States
9 Federal Aviation Administration under 14 CFR part 107.

10 (3) ~~(2)~~—This act does not prohibit a political subdivision
11 from promulgating rules, regulations, and ordinances for the use of
12 unmanned aircraft systems by the political subdivision within the
13 boundaries of the political subdivision.

14 (4) ~~(3)~~—This act does not affect federal preemption of state
15 law.

16 (5) ~~(4)~~—If this act conflicts with section 40111c or 40112 of
17 the natural resources and environmental protection act, 1994 PA
18 451, MCL 324.40111c and 324.40112, those sections control.

19 (6) A political subdivision that prohibits the operation of
20 nonemergency motor vehicles shall petition the United States
21 Federal Aviation Administration for designation as a fixed site
22 facility under section 2209 of the FAA extension, safety, and
23 security act of 2016, Public Law 114-190, not later than 12 months
24 after the effective date of the rules and regulations promulgated
25 by the United States Federal Aviation Administration that govern
26 the processing of petitions for designation as a fixed site
27 facility. Subsection (2) does not apply after the effective date of
28 a fixed site designation issued by the United States Federal
29 Aviation Administration under section 2209 of the FAA extension,



1 safety, and security act of 2016, Public Law 114-190, that applies
2 to a political subdivision that prohibits the operation of
3 nonemergency motor vehicles.

