

SENATE BILL NO. 129

February 26, 2019, Introduced by Senators SCHMIDT, BUMSTEAD, DALEY, BAYER, BARRETT, POLEHANKI, GEISS, MACGREGOR and VANDERWALL and referred to the Committee on Transportation and Infrastructure.

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.

(2) Subsection (1) does not apply to a political subdivision that prohibits the operation of nonemergency motor vehicles in the political subdivision. However, the political subdivision shall not prohibit ownership or operation of an unmanned aircraft by a newsgatherer licensed by the Federal Communications Commission, for maintenance performed by a public utility, or for maintenance of critical infrastructure, if such uses are authorized under either of the following:

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

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

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

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

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

(6) A political subdivision that prohibits the operation of nonemergency motor vehicles shall petition the United States Federal Aviation Administration for designation as a fixed site facility under section 2209 of the FAA extension, safety, and security act of 2016, Public Law 114-190, not later than 12 months after the effective date of the rules and regulations promulgated by the United States Federal Aviation Administration that govern the processing of petitions for designation as a fixed site

1 facility. Subsection (2) does not apply after the effective date of
2 a fixed site designation issued by the United States Federal
3 Aviation Administration under section 2209 of the FAA extension,
4 safety, and security act of 2016, Public Law 114-190, that applies
5 to a political subdivision that prohibits the operation of
6 nonemergency motor vehicles.