

UNMANNED AIRCRAFT SYSTEMS ACT (EXCERPT)
Act 436 of 2016

259.305 Political subdivision; ordinance, regulation, or resolution limitations; powers; federal preemption; conflict with other sections of law; petition for fixed site facility designation; applicability.

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

(2) Subject to subsection (6), a political subdivision that prohibits by ordinance, regulation, or resolution the operation of nonemergency motor vehicles in the political subdivision may enact and enforce an ordinance, regulation, or resolution that is necessary and proper to prohibit the knowing and intentional operation of an unmanned aircraft in a manner that interferes with the safe use of a horse in a commercial activity, including, but not limited to, the use of horse-drawn carriages, wagons, or carts or horse-riding activities. An ordinance, regulation, or resolution adopted under this subsection must allow for the operation of an unmanned aircraft for any of the following purposes if that operation does not result in a knowing and intentional interference with the safe use of a horse in a commercial activity as described in this subsection and is in compliance with the regulations, authorizations, or exemptions of the United States Federal Aviation Administration:

- (a) Newsgathering by a Federal Communications Commission licensee.
- (b) Insurance purposes by an insurer or insurance adjuster.
- (c) Maintenance performed by a public utility or an independent transmission company.
- (d) Law enforcement.

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

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

(7) As used in this section:

(a) "Independent transmission company" means a person, partnership, corporation, association, or other legal entity, or its successors or assigns, engaged in this state in the transmission of electricity using facilities it owns that have been divested to the entity by an electric utility that was engaged in the generation, transmission, and distribution of electricity in this state on December 31, 2000, and is independent of an electric utility or an affiliate of the utility, generating or distributing electricity to retail customers in this state.

(b) "Public utility" means a company or other entity providing steam, heat, electric, power, gas, water, wastewater, telecommunications, video, cable, or internet access services.

History: 2016, Act 436, Eff. Apr. 4, 2017;—Am. 2019, Act 32, Imd. Eff. June 25, 2019.