

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER VII

AIRCRAFT AND AERONAUTICS

750.43 Aircraft and aeronautics; definitions.

Sec. 43. Definitions—Whenever the word "aircraft" is used in this chapter it shall mean any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air except a parachute or other contrivance designed and used primarily for safety equipment. "Passenger" means any person not the pilot or member of the crew of any aircraft. "Aeronaut" includes aviator, pilot, balloonist, and every other person having any part in the operation of aircraft while in flight.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.43.

Former law: See section 1 of Act 224 of 1923, being CL 1929, § 4811.

750.43a Directed energy emitted from directed energy device; aiming at aircraft or path of aircraft or moving train prohibited; violation as felony; penalty; exceptions; "directed energy device" defined.

Sec. 43a. (1) A person shall not intentionally aim a beam of directed energy emitted from a directed energy device at an aircraft or into the path of an aircraft or a moving train.

(2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(3) This section does not apply to any of the following:

(a) An authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct research and development or flight test operations.

(b) Members of the United States Department of Defense or the United States Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

(c) A person using a laser emergency signaling device to send an emergency distress signal.

(4) As used in this section, "directed energy device" means any device that emits highly focused energy and is capable of transferring that energy to a target to damage or interfere with its operation. The energy from a directed energy device includes, but is not limited to, the following forms of energy:

(a) Electromagnetic radiation, including radio frequency, microwave, lasers, and masers.

(b) Particles with mass, in particle-beam weapons and devices.

(c) Sound, in sonic weapons and devices.

History: Add. 2017, Act 29, Eff. Aug. 7, 2017.

750.44 Trick or acrobatic flying.

Sec. 44. An aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering engages in trick or acrobatic flying or in any acrobatic feat or, except while in landing or taking off, flies at such a low level as to endanger the persons on the surface beneath, or drop or release any object or thing that may endanger life or injure property except when necessary to the personal safety of the aeronaut or passenger, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 67, Eff. Oct. 29, 1937;—CL 1948, 750.44;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 9 of Act 224 of 1923, being CL 1929, § 4819.

750.45 Open air assemblies; operation of aircraft; altitude.

Sec. 45. A person who operates an aircraft over open air assemblies of people at a height of less than 1,500 feet from the ground is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00. This section does not apply to groups assembled for the purpose of witnessing aerial exhibitions and stunt flying, nor to groups assembled at a flying field.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.45;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See sections 1 and 2 of Act 9 of 1926, Ex. Sess., being CL 1929, §§ 4822 and 4823.

750.45a Use of unmanned aircraft; definitions.

Sec. 45a. (1) Subject to subsection (2), a person shall not knowingly and intentionally use an unmanned aircraft in a manner that interferes with the operations of a key facility, a correctional facility, or other law enforcement facility.

(2) If a facility listed under subsection (1) is included on the Federal Aviation Administration's registry of fixed site facilities under section 2209 of the FAA extension, safety, and security act of 2016, Public Law 114-190, a person shall not fly or cause an unmanned aircraft to hover over the facility.

(3) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,500.00, or both.

(4) This section does not apply to a commercial operator of an unmanned aircraft if the unmanned aircraft is operated pursuant to and in compliance with Federal Aviation Administration regulations, authorizations, and exemptions.

(5) As used in this section:

(a) "Key facility" means that term as defined in section 552c.

(b) "Unmanned aircraft" means that term as defined in section 3 of the unmanned aircraft systems act, 2016 PA 436, MCL 259.303.

History: Add. 2018, Act 445, Eff. Mar. 29, 2019.