

***** Act 436 of 2016 THIS NEW ACT IS EFFECTIVE APRIL 4, 2017 *****

UNMANNED AIRCRAFT SYSTEMS ACT
Act 436 of 2016

AN ACT to provide for the operation and regulation of unmanned aircraft systems in this state; to create the unmanned aircraft systems task force; to provide for the powers and duties of state and local governmental officers and entities; and to prohibit conduct related to the operation of unmanned aircraft systems and prescribe penalties.

History: 2016, Act 436, Eff. Apr. 4, 2017.

The People of the State of Michigan enact:

***** 259.301.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

259.301.new Short title.

Sec. 1. This act shall be known and may be cited as the "unmanned aircraft systems act".

History: 2016, Act 436, Eff. Apr. 4, 2017.

***** 259.303.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

259.303.new Definitions.

Sec. 3. As used in this act:

(a) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(b) "Political subdivision" means a county, city, village, township, or other political subdivision, public corporation, authority, or district in this state.

(c) "Unmanned aircraft system" means an unmanned aircraft and all of the associated support equipment, control station, data links, telemetry, communications, navigation equipment, and other equipment necessary to operate the unmanned aircraft.

(d) "Unmanned aircraft" means an aircraft flown by a remote pilot via a ground control system, or autonomously through use of an on-board computer, communication links, and any additional equipment that is necessary for the unmanned aircraft to operate safely.

History: 2016, Act 436, Eff. Apr. 4, 2017.

***** 259.305.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

259.305.new Political subdivision; limitations; powers; federal preemption; conflict with other sections of law.

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) 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.

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

(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.

History: 2016, Act 436, Eff. Apr. 4, 2017.

***** 259.311.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

259.311.new Operation of unmanned aircraft system; person authorized by Federal Aviation Administration.

Sec. 11. A person that is authorized by the Federal Aviation Administration to operate unmanned aircraft systems for commercial purposes may operate an unmanned aircraft system in this state if the unmanned aircraft system is operated in a manner consistent with federal law.

History: 2016, Act 436, Eff. Apr. 4, 2017.

***** 259.313.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

259.313.new Operation of unmanned aircraft system; manner.

Sec. 13. A person may operate an unmanned aircraft system in this state for recreational purposes if the unmanned aircraft system is operated in a manner consistent with federal law for the operation of a model aircraft.

History: 2016, Act 436, Eff. Apr. 4, 2017.

***** 259.321.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

259.321.new Operation of unmanned aircraft system; interference with official duties prohibited.

Sec. 21. An individual shall not knowingly and intentionally operate an unmanned aircraft system in a manner that interferes with the official duties of any of the following:

- (a) A police officer.
- (b) A firefighter.
- (c) A paramedic.
- (d) Search and rescue personnel.

History: 2016, Act 436, Eff. Apr. 4, 2017.

***** 259.322.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

259.322.new Operation of unmanned aircraft system; harassment, violation of order, or invasion of privacy prohibited; definition; individual registered as sex offender.

Sec. 22. (1) A person shall not knowingly and intentionally operate an unmanned aircraft system to subject an individual to harassment. As used in this subsection, "harassment" means that term as defined in section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.

(2) A person shall not knowingly and intentionally operate an unmanned aircraft system within a distance that, if the person were to do so personally rather than through remote operation of an unmanned aircraft, would be a violation of a restraining order or other judicial order.

(3) A person shall not knowingly and intentionally operate an unmanned aircraft system to violate section 539j of the Michigan penal code, 1931 PA 328, MCL 750.539j, or to otherwise capture photographs, video, or audio recordings of an individual in a manner that would invade the individual's reasonable expectation of privacy.

(4) An individual who is required to register as a sex offender under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, shall not operate an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another individual, if the individual's sentence in a criminal case would prohibit the individual from following, contacting, or capturing the image of the other individual.

History: 2016, Act 436, Eff. Apr. 4, 2017.

***** 259.323.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

259.323.new Violation as misdemeanor; penalty; other violation of law.

Sec. 23. (1) An individual who violates section 21 or 22 is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(2) This section does not affect the ability to investigate or to arrest, prosecute, or convict an individual for any other violation of a law of this state.

History: 2016, Act 436, Eff. Apr. 4, 2017.

***** 259.331.new THIS NEW SECTION IS EFFECTIVE APRIL 4, 2017 *****

259.331.new Unmanned aircraft systems task force.

Sec. 31. (1) The unmanned aircraft systems task force is created to develop statewide policy recommendations on the operation, use, and regulation of unmanned aircraft systems in this state.

(2) Within 90 days after the effective date of this act, the governor shall appoint initial members of the unmanned aircraft systems task force. The individuals appointed to the unmanned aircraft systems task force by the governor, initially and subsequently, must comprise 1 member from each of the following agencies or interest groups:

- (a) A member from the state transportation department nominated by the director of the state transportation

department.

(b) A member from the division of the state transportation department that performs bridge inspections and road work, nominated by the director of the state transportation department.

(c) A member from the department of state police, nominated by the director of the department of state police.

(d) A member from the department of natural resources, nominated by the director of the department of natural resources.

(e) A member from the department of agriculture and rural development, nominated by the director of the department of agriculture and rural development.

(f) A member from the department of licensing and regulatory affairs nominated by the director of the department of licensing and regulatory affairs.

(g) A member from the department of corrections, nominated by the director of the department of corrections.

(h) An unmanned aircraft systems technical commercial representative.

(i) An unmanned aircraft systems manufacturing industry representative.

(j) A member who is licensed by the Federal Aviation Administration to operate unmanned aircraft that weigh less than 55 pounds.

(k) A member who represents airports in this state, nominated by the director of the state transportation department.

(l) A member from the Michigan Municipal League, nominated by the executive director of the Michigan Municipal League.

(m) A law enforcement official from a municipality, nominated by a statewide police chiefs association.

(n) A member who represents county sheriffs, nominated by the president of the Michigan Sheriffs' Association.

(o) A member of a statewide agricultural association, nominated by the president of the association.

(p) A member of a statewide retail association, nominated by the president of the association.

(q) A member of a statewide manufacturing trade association, nominated by the president or chief executive officer of the association.

(r) A member of a statewide property and casualty insurance association, nominated by the president or chief executive officer of the association.

(s) A member of a statewide association that represents real estate brokers licensed in this state, nominated by the president of the association.

(t) A member of a statewide surveying association, nominated by the president of the association.

(u) A member of a statewide freight railroad association, nominated by the president of the association.

(v) A member of a statewide broadcasters association, nominated by the president of the association.

(w) A member who represents persons that operate key facilities, as that term is defined in section 552c of the Michigan penal code, 1931 PA 328, MCL 750.552c.

(x) A member who is knowledgeable about the operation of public utilities who represents public utilities in the Upper Peninsula, nominated by the chairman of the public service commission.

(y) A member who is knowledgeable about the operation of public utilities who represents public utilities in the Lower Peninsula, nominated by the chairman of the public service commission.

(z) A member who represents the Mackinac Bridge Authority, nominated by the authority.

(aa) A member who represents the city of Mackinac Island.

(3) Initial nominations to the unmanned aircraft systems task force must be submitted to the governor within 60 days after the effective date of this act. The governor shall make the initial appointments within 30 days after the close of nominations.

(4) Members of the unmanned aircraft systems task force shall serve for terms of 4 years or until a successor is appointed, whichever is later, except that of the initial members appointed, 6 members, as designated by the governor, shall serve for 1 year, 6 members, as designated by the governor, shall serve for 2 years, and 7 members, as designated by the governor, shall serve for 3 years.

(5) If a vacancy occurs on the unmanned aircraft systems task force, the governor shall make an appointment for the unexpired term in the same manner as the original appointment.

(6) The governor may remove a member of the unmanned aircraft systems task force for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(7) The member from the state transportation department shall chair the unmanned aircraft systems task force and serve as a liaison to the governor and the standing committees in the house and senate that mainly deal with transportation issues. The unmanned aircraft systems task force shall meet as necessary to complete the duties of the task force. Meetings of the unmanned aircraft systems task force must be held in the central

part of this state.

(8) A majority of the members of the unmanned aircraft systems task force constitute a quorum for the transaction of business at a meeting of the task force. A majority of the members present and serving are required for official action of the task force.

(9) The unmanned aircraft systems task force shall conduct its business at public meetings of the task force held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(10) A writing prepared, owned, used, in the possession of, or retained by the unmanned aircraft systems task force in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(11) The members of the unmanned aircraft systems task force must receive no compensation for serving as members of the task force.

(12) The unmanned aircraft systems task force shall consider commercial and private uses of unmanned aircraft systems, landowner and privacy rights, as well as general rules and regulations for safe operation of unmanned aircraft systems, and prepare comprehensive recommendations for the safe and lawful operation of unmanned aircraft systems in this state. The recommendations must include, but not be limited to, recommendations regarding the protection of public and private property interests and the use of unmanned aircraft systems over public property.

(13) The state transportation department shall provide administrative support to the unmanned aircraft systems task force.

(14) The unmanned aircraft systems task force shall submit a report with recommendations to the governor and the standing committees in the house and senate that mainly deal with transportation issues within 3 months after the first meeting of the task force.

(15) After submitting the report required under subsection (14), the unmanned aircraft systems task force shall meet not less than once every 18 months to consider any new developments or problems that may require further consideration and recommendations by the task force.

History: 2016, Act 436, Eff. Apr. 4, 2017.