SENNATE BILL 370

By: Senators Rosapepe, Astle, Feldman, Hershey, Lee, Madaleno, Simonaire, and Waugh
Introduced and read first time: February 6, 2015
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Unmanned Aircraft Systems Research, Development, Regulation, and Privacy Act of 2015

FOR the purpose of providing that only the State may enact a law or take other action to prohibit, restrict, or regulate the testing or operation of unmanned aircraft systems in the State; preempting the authority of a county or municipality to prohibit, restrict, or regulate the testing or operation of unmanned aircraft systems; and providing that certain laws or ordinances are superseded; specifying that federal preemption of State law is not affected by this Act; requiring the Department of Business and Economic Development, in consultation with the University of Maryland and other interested parties, to study the benefits of and the concerns regarding the use of certain unmanned aircraft systems in the State; requiring the Department to report its findings and recommendations to the General Assembly on or before a certain date; defining certain terms; and generally relating to unmanned aircraft systems.

BY adding to
Article – Economic Development
Section 14–301 to be under the new subtitle “Subtitle 3. Unmanned Aircraft Systems”
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

Preamble

WHEREAS, The Federal Aviation Act of 1958 established the Federal Aviation Administration (FAA) and made the FAA responsible for the control and use of navigable airspace within the United States; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
WHEREAS, The FAA regulates unmanned aircraft systems, also known as drones; and

WHEREAS, Public entities, including law enforcement agencies, firefighter units, border and port patrols, disaster relief workers, search and rescue personnel, qualifying public universities, military training facilities, and other government operational mission units, may operate unmanned aircraft systems by applying for a Certificate of Waiver or Authorization from the FAA; and

WHEREAS, In December 2013, the FAA selected six public entities around the nation, including the Mid–Atlantic Aviation Partnership, to develop test sites for unmanned aircraft systems research; and

WHEREAS, The FAA is in the process of developing rules that are intended to safely integrate small unmanned aircraft systems into the national airspace system and that, following issuance of a Notice of Proposed Rulemaking and public comment period, are expected to be released in late 2016 or 2017; and

WHEREAS, The small unmanned aircraft systems rules are anticipated to be similar to the current hobbyist rules for operations of model unmanned aircraft systems that limit the area of operation to low–risk and controlled environments and the size of the systems to less than 55 pounds; and

WHEREAS, While the FAA is developing the small unmanned aircraft systems rules, private commercial entities on a company–by–company basis may apply to the FAA for a Section 333 exemption from the current rules for manned aircraft by showing that the entity operates with at least an equivalent level of safety; and

WHEREAS, In September 2014, six companies in the film production industry were granted Section 333 exemptions and the FAA has stated that many more exemptions are in the processing stage; and

WHEREAS, In December 2014, as part of the Mid–Atlantic Aviation Partnership, the University of Maryland’s unmanned aircraft systems testing operation opened a test site near Naval Air Station Patuxent River, allowing commercial companies to partner with the University to develop their projects; and

WHEREAS, In addition to being used in military training and operations and public safety areas, unmanned aircraft systems may be used in a wide variety of activities, including: oil and natural gas pipeline inspection; transportation; natural disaster aid; precision agriculture; natural resource and environmental protection; bridge and infrastructure inspection; public utility support; construction and building inspection; surveying; golf course marketing; wind turbine inspection; realtor marketing and photography; and prison monitoring; and

WHEREAS, Other countries have advanced in the testing and operation of unmanned aircraft systems; and
WHEREAS, While the public has expressed concerns with the operation of unmanned aircraft systems, including privacy and public safety issues, there are benefits that may be realized by the State, including the State’s various industry sectors, from conducting research on unmanned aircraft systems in the State and developing, manufacturing, and operating unmanned aircraft systems in the State; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Economic Development

SUBTITLE 3. UNMANNED AIRCRAFT SYSTEMS.

14–301.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “UNMANNED AIRCRAFT” MEANS THE FLYING PORTION OF AN UNMANNED AIRCRAFT SYSTEM, FLOWN BY A PILOT VIA A GROUND CONTROL SYSTEM, OR AUTONOMOUSLY THROUGH USE OF AN ONBOARD COMPUTER, A COMMUNICATION LINK, AND ANY ADDITIONAL EQUIPMENT THAT IS NECESSARY FOR THE UNMANNED AIRCRAFT TO OPERATE SAFELY.

(3) “UNMANNED AIRCRAFT SYSTEM” MEANS AN UNMANNED AIRCRAFT AND ALL THE ASSOCIATED SUPPORT EQUIPMENT, CONTROL STATIONS, DATA LINKS, TELEMETRY, COMMUNICATIONS AND NAVIGATION EQUIPMENT, AND OTHER EQUIPMENT NECESSARY TO OPERATE THE UNMANNED AIRCRAFT.

(B) ONLY THE STATE MAY ENACT A LAW OR TAKE ANY OTHER ACTION TO PROHIBIT, RESTRICT, OR REGULATE THE TESTING OR OPERATION OF UNMANNED AIRCRAFT SYSTEMS IN THE STATE.

(C) SUBSECTION (B) OF THIS SECTION:

(1) PREEMPTS THE AUTHORITY OF A COUNTY OR MUNICIPALITY TO PROHIBIT, RESTRICT, OR REGULATE THE TESTING OR OPERATION OF UNMANNED AIRCRAFT SYSTEMS; AND

(2) SUPERSEDES ANY EXISTING LAW OR ORDINANCE OF A COUNTY OR MUNICIPALITY THAT PROHIBITS, Restricts, OR REGULATES THE TESTING OR OPERATION OF UNMANNED AIRCRAFT SYSTEMS.
(D) THIS SECTION DOES NOT AFFECT FEDERAL PREEMPTION OF STATE LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Business and Economic Development, in consultation with the University of Maryland in its role as a member of the Mid–Atlantic Aviation Partnership and with other interested parties, shall:

(1) identify the benefits, including job creation, a cleaner environment, positive economic impacts, increased public safety, and enhanced efficiencies, that may be realized by the State from conducting research on unmanned aircraft systems in the State and developing, manufacturing, and operating unmanned aircraft systems in the State;

(2) determine the benefits that may be realized within each of the various industry sectors in the State that have the potential for the use of unmanned aircraft systems and evaluate the extent to which the use of unmanned aircraft systems in the State is in the public interest;

(3) identify ways in which the benefits and other positive aspects associated with the use of unmanned aircraft systems may be conveyed to the public in order to achieve public support;

(4) identify policies that should be implemented to ensure that any concerns, including privacy and public safety issues, are addressed; and

(5) as a way to provide certainty to companies that want to use unmanned aircraft systems in the State, develop qualification guidelines for companies to follow when applying to the Federal Aviation Administration for a Section 333 exemption.

(b) On or before December 31, 2015, the Department shall report, in accordance with § 2–1246 of the State Government Article, its findings and recommendations to the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.