

SENATE BILL 370

C8, E4

5lr0843

By: **Senators Rosapepe, Astle, Feldman, Hershey, Lee, Madaleno, Simonaire, and Waugh**

Introduced and read first time: February 6, 2015

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 19, 2015

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of providing that only the State may enact a law or take other action to
5 prohibit, restrict, or regulate the testing or operation of unmanned aircraft systems
6 in the State; preempting the authority of a county or municipality to prohibit,
7 restrict, or regulate the testing or operation of unmanned aircraft systems and
8 providing that certain laws or ordinances are superseded; specifying that federal
9 preemption of State law is not affected by this Act; requiring the Department of
10 Business and Economic Development, in consultation with the University of
11 Maryland, the Department of Transportation, including the Maryland Aviation
12 Administration, institutions of higher education, and other interested parties, to
13 study the benefits of and the concerns regarding the use of certain unmanned aircraft
14 systems in the State; requiring the Department to report its findings and
15 recommendations to the General Assembly on or before a certain date; encouraging
16 county and local governments to work with a certain federal agent and local law
17 enforcement in making certain determinations; requiring the Department and the
18 Department of Transportation, including the Maryland Aviation Administration, to
19 monitor the Federal Aviation Administration for specified proposed regulations or
20 rulemaking, determine a certain impact, and determine whether it is in the public
21 interest for the State to consider certain legislation; requiring the Department and
22 the Department of Transportation, including the Maryland Aviation Administration,
23 to consult with certain entities and governments; requiring the Department and the
24 Department of Transportation, including the Maryland Aviation Administration, to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 report certain findings and recommendations under certain circumstances; defining
2 certain terms; and generally relating to unmanned aircraft systems.

3 BY adding to

4 Article – Economic Development

5 Section 14–301 to be under the new subtitle “Subtitle 3. Unmanned Aircraft
6 Systems”

7 Annotated Code of Maryland

8 (2008 Volume and 2014 Supplement)

9 Preamble

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

13 WHEREAS, The FAA regulates unmanned aircraft systems, also known as drones;
14 and

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

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

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

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

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

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

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

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

12 WHEREAS, Other countries have advanced in the testing and operation of
13 unmanned aircraft systems; and

14 WHEREAS, While the public has expressed concerns with the operation of
15 unmanned aircraft systems, including privacy and public safety issues, there are benefits
16 that may be realized by the State, including the State's various industry sectors, from
17 conducting research on unmanned aircraft systems in the State and developing,
18 manufacturing, and operating unmanned aircraft systems in the State; now, therefore,

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

21 **Article – Economic Development**

22 **SUBTITLE 3. UNMANNED AIRCRAFT SYSTEMS.**

23 **14-301.**

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

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

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

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

4 **(C) SUBSECTION (B) OF THIS SECTION:**

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

8 **(2) SUPERSEDES ANY EXISTING LAW OR ORDINANCE OF A COUNTY OR**
9 **MUNICIPALITY THAT PROHIBITS, RESTRICTS, OR REGULATES THE TESTING OR**
10 **OPERATION OF UNMANNED AIRCRAFT SYSTEMS.**

11 **(D) THIS SECTION DOES NOT AFFECT FEDERAL PREEMPTION OF STATE**
12 **LAW.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

14 (a) The Department of Business and Economic Development, in consultation with
15 the University of Maryland, in its role as a member of the Mid-Atlantic Aviation
16 Partnership, the Department of Transportation, including the Maryland Aviation
17 Administration, institutions of higher education, and ~~with~~ other interested parties, shall:

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

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

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

29 (4) identify general policies that should be implemented to ensure that any
30 concerns, including rights to privacy and private property and public safety issues, are
31 addressed; ~~and~~

32 (5) identify policies that should be implemented to ensure any concerns are
33 addressed specific to industries, including:

34 (i) applications impacting agriculture communities;

1 (ii) State, county, and municipal governments as it pertains to law
2 enforcement, fire services, rescue services, and emergency medical services; and

3 (iii) educational, research, and training programs; and

4 ~~(5)~~ (6) as a way to provide certainty to companies that want to use unmanned
5 aircraft systems in the State, develop qualification guidelines for companies to follow when
6 applying to the Federal Aviation Administration for a Section 333 exemption.

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

10 SECTION 3. AND BE IT FURTHER ENACTED, That county and local governments
11 are encouraged to work with the local Federal Aviation Law Enforcement Assistance
12 Special Agent and local law enforcement in determining how:

13 (1) to enforce Federal Aviation Administration regulations as they relate
14 to unauthorized and unsafe operation of unmanned aircraft systems; and

15 (2) general applicability laws apply to the operation of unmanned aircraft
16 systems.

17 SECTION 4. AND BE IT FURTHER ENACTED, That:

18 (a) The Department of Business and Economic Development and the Department
19 of Transportation, including the Maryland Aviation Administration, shall:

20 (1) monitor the Federal Aviation Administration for any proposed
21 regulations or rulemaking that relate to the regulation of the operation of small commercial
22 unmanned aircraft systems;

23 (2) determine the impact of any proposed regulations or rulemaking on the
24 State; and

25 (3) determine whether it is in the public interest for the State to consider
26 statewide legislation relating to the regulation of the operation of unmanned aircraft
27 systems.

28 (b) In determining its findings under subsection (a) of this section, the
29 Department and the Department of Transportation, including the Maryland Aviation
30 Administration, shall consult with:

31 (1) the University of Maryland, in its role as a member of the Mid–Atlantic
32 Aviation partnership;

1 (2) county and municipal governments; and

2 (3) other interested parties that the Department of Business and Economic
3 Development or the Department of Transportation, including the Maryland Aviation
4 Administration, determine appropriate.

5 (c) If the Department of Business and Economic Development and the
6 Department of Transportation, including the Maryland Aviation Administration,
7 determine that any proposed regulations or rulemaking that relate to the regulation of the
8 operation of small commercial unmanned aircraft have been or are likely to be adopted by
9 the Federal Aviation Administration, as soon as practicably possible, the Department of
10 Business and Economic Development and the Department of Transportation, including the
11 Maryland Aviation Administration, shall report any findings and recommendations to the
12 Governor and, in accordance with § 2-1246 of the State Government Article, the General
13 Assembly.

14 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.