

Chapter 164

(Senate Bill 370)

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or regulate the testing or operation of unmanned aircraft systems and providing that certain laws or ordinances are superseded; specifying that federal preemption of State law is not affected by this Act; requiring the Department of Business and Economic Development, in consultation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, the Department of Transportation, including the Maryland Aviation Administration, institutions of higher education, 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; encouraging county and local governments to work with a certain federal agent and local law enforcement in making certain determinations; requiring the Department and the Department of Transportation, including the Maryland Aviation Administration, to monitor the Federal Aviation Administration for specified proposed regulations or rulemaking, determine a certain impact, and determine whether it is in the public interest for the State to consider certain legislation; requiring the Department and the Department of Transportation, including the Maryland Aviation Administration, to consult with certain entities and governments; requiring the Department and the Department of Transportation, including the Maryland Aviation Administration, to report certain findings and recommendations under certain circumstances; requiring certain State and local government entities and officials to review certain use of unmanned aircraft systems for a certain purpose and to report certain findings and recommendations to the Governor and 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

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, the Department of Transportation, including the Maryland Aviation Administration, institutions of higher education, 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 general policies that should be implemented to ensure that any concerns, including rights to privacy and private property and public safety issues, are addressed; ~~and~~

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

(i) applications impacting agriculture communities;

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

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

~~(5)~~ (6) 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 county and local governments are encouraged to work with the local Federal Aviation Law Enforcement Assistance Special Agent and local law enforcement in determining how:

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

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

SECTION 4. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

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

(2) county and municipal governments; and

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

(c) If the Department of Business and Economic Development and the Department of Transportation, including the Maryland Aviation Administration, determine that any proposed regulations or rulemaking that relate to the regulation of the

operation of small commercial unmanned aircraft have been or are likely to be adopted by the Federal Aviation Administration, as soon as practicably possible, the Department of Business and Economic Development and the Department of Transportation, including the Maryland Aviation Administration, shall report any findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That *the Department of State Police, the Maryland Aviation Administration, local law enforcement officials, and other appropriate local government officials shall:*

(1) review the state of unmanned aircraft system recreational use in the State in an attempt to document incidents or patterns of the unauthorized or unsafe use of unmanned aircraft systems, including use that interferes with State or local public safety efforts or sensitive areas or facilities; and

(2) on or before December 31, 2018, report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on their findings and recommendations regarding changes to State law or local regulatory authority needed to support governance or enforcement efforts related to unmanned aircraft systems.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.