

SENATE BILL 370

C8, E4

(5lr0843)

ENROLLED BILL

— Finance/Environment and Transportation —

Introduced by **Senators Rosapepe, Astle, Feldman, Hershey, Lee, Madaleno, Simonaire, and Waugh**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

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8 providing that certain laws or ordinances are superseded; specifying that federal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

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.

Italics indicate opposite chamber/conference committee amendments.



1 recommendations to the General Assembly on or before a certain date; encouraging
 2 county and local governments to work with a certain federal agent and local law
 3 enforcement in making certain determinations; requiring the Department and the
 4 Department of Transportation, including the Maryland Aviation Administration, to
 5 monitor the Federal Aviation Administration for specified proposed regulations or
 6 rulemaking, determine a certain impact, and determine whether it is in the public
 7 interest for the State to consider certain legislation; requiring the Department and
 8 the Department of Transportation, including the Maryland Aviation Administration,
 9 to consult with certain entities and governments; requiring the Department and the
 10 Department of Transportation, including the Maryland Aviation Administration, to
 11 report certain findings and recommendations under certain circumstances; requiring
 12 certain State and local government entities and officials to review certain use of
 13 unmanned aircraft systems for a certain purpose and to report certain findings and
 14 recommendations to the Governor and General Assembly on or before a certain date;
 15 defining certain terms; and generally relating to unmanned aircraft systems.

16 BY adding to

17 Article – Economic Development

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

20 Annotated Code of Maryland

21 (2008 Volume and 2014 Supplement)

22 Preamble

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

26 WHEREAS, The FAA regulates unmanned aircraft systems, also known as drones;
 27 and

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

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

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

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

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

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

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

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

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

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

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

32 **Article – Economic Development**

33 **SUBTITLE 3. UNMANNED AIRCRAFT SYSTEMS.**

34 **14–301.**

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

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

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

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

15 (C) SUBSECTION (B) OF THIS SECTION:

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

19 (2) SUPERSEDES ANY EXISTING LAW OR ORDINANCE OF A COUNTY OR
20 MUNICIPALITY THAT PROHIBITS, RESTRICTS, OR REGULATES THE TESTING OR
21 OPERATION OF UNMANNED AIRCRAFT SYSTEMS.

22 (D) THIS SECTION DOES NOT AFFECT FEDERAL PREEMPTION OF STATE
23 LAW.

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

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

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

33 (2) determine the benefits that may be realized within each of the various
34 industry sectors in the State that have the potential for the use of unmanned aircraft

1 systems and evaluate the extent to which the use of unmanned aircraft systems in the State
2 is in the public interest;

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

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

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

11 (i) applications impacting agriculture communities;

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

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

15 ~~(5)~~ (6) as a way to provide certainty to companies that want to use
16 unmanned aircraft systems in the State, develop qualification guidelines for companies to
17 follow when applying to the Federal Aviation Administration for a Section 333 exemption.

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

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

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

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

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

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

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

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

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

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

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

11 (2) county and municipal governments; and

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

15 (c) If the Department of Business and Economic Development and the
16 Department of Transportation, including the Maryland Aviation Administration,
17 determine that any proposed regulations or rulemaking that relate to the regulation of the
18 operation of small commercial unmanned aircraft have been or are likely to be adopted by
19 the Federal Aviation Administration, as soon as practicably possible, the Department of
20 Business and Economic Development and the Department of Transportation, including the
21 Maryland Aviation Administration, shall report any findings and recommendations to the
22 Governor and, in accordance with § 2-1246 of the State Government Article, the General
23 Assembly.

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

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

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

35 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July
36 1, 2015.