

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

A BILL ENTITLED

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8 providing that certain laws or ordinances are superseded; specifying that federal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 and other interested parties, to study the benefits of and the concerns
12 regarding the use of certain unmanned aircraft systems in the State; requiring the
13 Department to report its findings and recommendations to the General Assembly on
14 or before a certain date; defining certain terms; and generally relating to unmanned
15 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The FAA regulates unmanned aircraft systems, also known as drones;
2 and

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

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

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

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

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

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

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

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

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

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

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

8 **Article – Economic Development**

9 **SUBTITLE 3. UNMANNED AIRCRAFT SYSTEMS.**

10 **14-301.**

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

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

18 (3) "UNMANNED AIRCRAFT SYSTEM" MEANS AN UNMANNED
19 AIRCRAFT AND ALL THE ASSOCIATED SUPPORT EQUIPMENT, CONTROL STATIONS,
20 DATA LINKS, TELEMETRY, COMMUNICATIONS AND NAVIGATION EQUIPMENT, AND
21 OTHER EQUIPMENT NECESSARY TO OPERATE THE UNMANNED AIRCRAFT.

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

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

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

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

1 **(D) THIS SECTION DOES NOT AFFECT FEDERAL PREEMPTION OF STATE**
2 **LAW.**

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

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

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

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

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

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

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

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

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2015.