

HOUSE BILL NO. 4852

August 28, 2019, Introduced by Rep. Hoytenga and referred to the Committee on Communications and Technology.

A bill to amend 2016 PA 436, entitled
"Unmanned aircraft systems act,"
by amending section 5 (MCL 259.305), as amended by 2019 PA 32.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Except as expressly authorized by statute, a
2 political subdivision shall not enact or enforce an ordinance,
3 **regulation**, or resolution that regulates the ownership or operation
4 of unmanned aircraft or otherwise engage in the regulation of the
5 ownership or operation of unmanned aircraft. **A political**
6 **subdivision that enacts or enforces an ordinance, regulation, or**



1 resolution under the exception provided in this subsection shall
2 not enact or enforce an ordinance, regulation, or resolution that
3 is more restrictive than the provisions of this act or any other
4 law of this state concerning the ownership or operation of unmanned
5 aircraft.

6 (2) Subject to subsection (6), a political subdivision that
7 prohibits by ordinance, regulation, or resolution the operation of
8 nonemergency motor vehicles in the political subdivision may enact
9 and enforce an ordinance, regulation, or resolution that is
10 necessary and proper to prohibit the knowing and intentional
11 operation of an unmanned aircraft in a manner that interferes with
12 the safe use of a horse in a commercial activity, including, but
13 not limited to, the use of horse-drawn carriages, wagons, or carts
14 or horse-riding activities. An ordinance, regulation, or resolution
15 adopted under this subsection must allow for the operation of an
16 unmanned aircraft for any of the following purposes if that
17 operation does not result in a knowing and intentional interference
18 with the safe use of a horse in a commercial activity as described
19 in this subsection and is in compliance with the regulations,
20 authorizations, or exemptions of the United States Federal Aviation
21 Administration:

22 (a) Newsgathering by a Federal Communications Commission
23 licensee.

24 (b) Insurance purposes by an insurer or insurance adjustor.

25 (c) Maintenance performed by a public utility or an
26 independent transmission company.

27 (d) Law enforcement.

28 (3) This act does not prohibit a political subdivision from
29 promulgating rules, regulations, and ordinances for the use of



1 unmanned aircraft systems by the political subdivision within the
2 boundaries of the political subdivision.

3 (4) This act does not affect federal preemption of state law.

4 (5) If this act conflicts with section 40111c or 40112 of the
5 natural resources and environmental protection act, 1994 PA 451,
6 MCL 324.40111c and 324.40112, those sections control.

7 (6) A political subdivision that prohibits the operation of
8 nonemergency motor vehicles shall petition the United States
9 Federal Aviation Administration for designation as a fixed site
10 facility under section 2209 of the FAA extension, safety, and
11 security act of 2016, Public Law 114-190, not later than 12 months
12 after the effective date of the rules and regulations promulgated
13 by the United States Federal Aviation Administration that govern
14 the processing of petitions for designation as a fixed site
15 facility. Subsection (2) does not apply after the effective date of
16 a fixed site designation issued by the United States Federal
17 Aviation Administration under section 2209 of the FAA extension,
18 safety, and security act of 2016, Public Law 114-190, that applies
19 to a political subdivision that prohibits the operation of
20 nonemergency motor vehicles.

21 (7) As used in this section:

22 (a) "Independent transmission company" means a person,
23 partnership, corporation, association, or other legal entity, or
24 its successors or assigns, engaged in this state in the
25 transmission of electricity using facilities it owns that have been
26 divested to the entity by an electric utility that was engaged in
27 the generation, transmission, and distribution of electricity in
28 this state on December 31, 2000, and is independent of an electric
29 utility or an affiliate of the utility, generating or distributing



1 electricity to retail customers in this state.

2 (b) "Public utility" means a company or other entity providing
3 steam, heat, electric, power, gas, water, wastewater,
4 telecommunications, video, cable, or internet access services.

