

HOUSE BILL NO. 4300

March 07, 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,"
(MCL 259.301 to 259.331) by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) The department of natural resources or a person
2 under a contract with or acting at the direction or on behalf of
3 that department shall not use an unmanned aircraft system to
4 surveil, inspect, or gather evidence or collect information about



1 privately owned property in this state unless any of the following
2 apply:

3 (a) The owner of the property has given express consent for
4 the use of an unmanned aircraft system for the purposes described
5 in this subsection in a particular instance.

6 (b) The department is acting under a valid search warrant and
7 the use of the unmanned aircraft system is strictly limited to the
8 subject matter and scope of that warrant.

9 (c) The department has reason to believe that there may be an
10 imminent threat to public health, safety, property, or the natural
11 resources of the state arising from the property and the use of the
12 unmanned aircraft system is strictly limited to the investigation
13 of that imminent threat.

14 (d) The department is inspecting a roadway, highway, airport,
15 airport approach corridor, port, or similar infrastructure.

16 (2) If an unmanned aircraft system is used as described in
17 subsection (1), the department must clearly mark the aircraft as a
18 department-owned or -operated aircraft unless it is an unmanned
19 aircraft system operated in accordance with subsection (3).

20 (3) For any use that is governed by subsection (1)(a), both of
21 the following apply:

22 (a) Subject to subdivision (b), the consent of the property
23 owner may be conditioned on the use of an unmanned aircraft system
24 that is owned and operated by the property owner if the aircraft is
25 operated under, and in compliance with, Federal Aviation
26 Administration regulations, authorizations, or exemptions. The
27 department or person under contract with or acting at the direction
28 or on behalf of the department shall allow, under its direct
29 supervision, the use of the unmanned aircraft system by the



1 property owner to conduct the surveillance, inspection, evidence
2 gathering, or information collecting under this section, if doing
3 so will gather information of a quality and nature sufficient for
4 the intended purpose of the surveillance, inspection, evidence
5 gathering, or information collection.

6 (b) If the property owner provides consent on the condition
7 described in subdivision (a), or if the property owner withholds
8 consent, the owner shall provide to the department a statement, in
9 writing, that indicates the health and safety reasons for providing
10 consent on the condition described in subdivision (a) or
11 withholding consent.

12 (4) Any surveillance, inspection, evidence gathering, or
13 information collecting conducted under subsection (1)(c) shall be
14 under the direct supervision of the department of natural
15 resources.

16 (5) Any data, including videos, photographic images, or
17 geospatial data, collected by the operation of an unmanned aircraft
18 system by the department of natural resources concerning privately
19 owned property in this state shall be furnished promptly to the
20 property owner upon request and shall be rebuttably presumed to be
21 not subject to disclosure under the freedom of information act,
22 1976 PA 442, MCL 15.231 to 15.246.

