

HOUSE BILL NO. 5732

May 16, 2024, Introduced by Rep. Shannon and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 2016 PA 436, entitled
"Unmanned aircraft systems act,"
by amending section 7 (MCL 259.307), as added by 2018 PA 442.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) Except as otherwise provided in subsection (6), a
2 department, agency, board, or commission of this state or a person
3 under a contract with or acting at the direction or on behalf of a
4 department, agency, board, or commission of this state shall not
5 use an unmanned aircraft system to surveil, inspect, or gather
6 evidence or collect information about a facility that is subject to

1 a permit, license, or order issued by or a decree or other
2 requirement governed by that department, agency, board, or
3 commission unless any of the following apply:

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

7 (b) The department, agency, board, commission, or person is
8 acting under a valid search warrant and the use of the unmanned
9 aircraft system is strictly limited to the subject matter and scope
10 of that warrant.

11 (c) The department, agency, board, or commission has reason to
12 believe that there may be an imminent threat to public health,
13 safety, property, or the natural resources of ~~the~~**this** state from
14 the facility and the use of the unmanned aircraft system is
15 strictly limited to the investigation of that imminent threat.

16 (d) The department, agency, board, commission, or person is
17 inspecting a roadway, highway, airport, airport approach corridor,
18 port, or similar infrastructure.

19 **(e) The department, agency, board, commission, or person is**
20 **inspecting a telecommunications tower facility, grounds, antennae,**
21 **a shelter site, or similar infrastructure.**

22 (2) An unmanned aircraft system that is used as described in
23 subsection (1) must be clearly marked as a state-owned or operated
24 aircraft unless it is an unmanned aircraft system operated in
25 accordance with subsection (3).

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

28 (a) Subject to subdivision (b), the consent of the owner or
29 operator may be conditioned on the use of an unmanned aircraft

1 system that is owned and operated by that owner or operator under,
2 and in compliance with, Federal Aviation Administration
3 regulations, authorizations, or exemptions. The department, agency,
4 board, commission, or person under contract with or acting at the
5 direction or on behalf of the department, agency, board, or
6 commission shall allow, under its direct supervision, the use of
7 the unmanned aircraft system by the owner or operator to conduct
8 the surveillance, inspection, evidence gathering, or information
9 collecting under this section, if doing so will gather information
10 of a quality and nature sufficient for the intended purpose of the
11 surveillance, inspection, evidence gathering, or information
12 collection.

13 (b) If the owner or operator provides consent on the condition
14 described in subdivision (a), or if the owner or operator withholds
15 consent, the owner or operator shall provide to the department,
16 agency, board, or commission a statement, in writing, that
17 indicates the health and safety reasons for providing consent on
18 the condition described in subdivision (a) or withholding consent.

19 (4) Any surveillance, inspection, evidence gathering, or
20 information collecting conducted under subsection (1)(c) ~~shall be~~
21 **is** under the direct supervision of the department, agency, board,
22 or commission.

23 (5) Any data, including videos, photographic images, or
24 geospatial data, collected by the operation of an unmanned aircraft
25 system concerning a facility described in subsection (1) ~~shall must~~
26 be furnished promptly to the facility's owner or operator ~~upon on~~
27 request and ~~shall be is~~ rebuttably presumed to be not subject to
28 disclosure under the freedom of information act, 1976 PA 442, MCL
29 15.231 to 15.246.

1 (6) This section does not apply to a law enforcement agency
2 operating an unmanned aircraft system as part of a law enforcement
3 investigation.