California Aviation Related Legislative
Bill Analysis Summary
Prepared by the
California Department of Transportation
Division of Aeronautics
May 27, 2016

****

- *May 27th – Last day for fiscal committees to hear and report to the Floor bills introduced in their house.*
- *May 27th – Last day for fiscal committees to meet prior to June 6th.*
- *May 31st – June 3rd – Floor Session Only*

****

Senate Joint Resolution (SJR) 18, *Senator Lois Wolk, District 3 – Small Unmanned Aircraft Systems*

This measure would request the President of the United States and the United States Secretary of Transportation to allow for the operation of small unmanned aircraft systems by farmers and rangeland managers pursuant to emergency rules adopted by the administration, as specified. Several University of California campuses and the California State University system are developing precision agriculture applications with sUAS to help save water and improve crop and environmental monitoring. The Mechatronics Embedded Systems and Automation Lab at the University of California, Merced, has developed numerous innovations for precision agricultural management with sUAS and with the draught in California, emergency assistance in this area is being requested.

Status – May 20th – Enrolled and filed with the Secretary of State at 3:15 p.m.; May 20th – Chaptered by Secretary of State. Res. Chapter 43, Statutes of 2016.

SB 807, *Senate Member Ted Gaines, District 1 – (Civil Code): relating to Unmanned Aircraft Systems) (UAS) – Non-liability for Emergency Responders*

This bill would ensure that any emergency responder would not be liable for damage to any Unmanned Aircraft System (UAS), if the damage was caused while the emergency responder was rendering emergency assistance, and the UAS was interfering with this assistance. This bill would also ensure that any public entity or public employee would not be liable for damage to any UAS, if the damage was caused while the public entity or employee was rendering emergency assistance, and the UAS was interfering with this assistance.

Status – May 5th – In Assembly, read first time, held at the desk; May 12th – Referred to Committee on Public Safety and Consumer Protection and Committee on Judiciary.

(The "desk" is the main rostrum in the Senate/assembly. A bill goes "across the desk" when it is submitted. Held at the desk means it is waiting to be assigned to a committee.)

SB 808, *Senate Member Ted Gaines, District 1 – (Penal Code): Unmanned Aircraft Systems (UAS) – Protective Orders*

This bill would specifically prohibit a person who is prohibited from coming within a specified distance of another person, from operating an unmanned aircraft system in a way that causes an unmanned aircraft to fly within the prohibited distance of the other person, or from capturing images of the other person by using an unmanned aircraft system. By creating a new crime, the bill would impose a state-mandated local program.

Status – January 28th – Referred to Committee on Public Safety.

SB 809 - *Senate Member Ted Gaines, District 1 – (Penal Code): Unmanned Aircraft Systems (UAS) - School Restrictions*

This bill would make it an infraction to knowingly operate an Unmanned Aircraft System on the grounds of, or less than 350 feet above ground level within the airspace overlaying, a public school providing instruction in kindergarten or grades 1 to 12, during school hours and without the written permission of the school principal or higher authority. This bill would also make it an infraction to knowingly use a UAS to capture images of public school grounds providing instruction in K-12 during the school hours without written permission.

The bill would define school hours as during any school session, extracurricular activity, or event sponsored by or participated in by the school and the one hour periods immediately preceding and following any activity or event. The bill would provide for a warning for a first violation and a fine or no more than $200 for each subsequent violation.

The bill would exempt from its provision any publisher, editor, reporter, or other specified person, as well as law enforcement and any entity which the Federal Aviation Administration (FAA) has authorized the use of an UAS if operated under the terms of that authorization.

Status – January 28th – Referred to Committee on Public Safety and Education.

SB 810 - *Senate Member Ted Gaines, District 1 – (Penal Code): Unmanned Aircraft Systems (UAS) – Fire Interference*

This bill would make it unlawful to knowingly, intentionally, or recklessly operate an unmanned aircraft or unmanned aircraft system, in a manner that prevents or delays the extinguishment of a fire, or in any way interferes with the efforts of firefighters to control, contain, or extinguish a fire. The bill would make a violation of this prohibition punishable by imprisonment in a county jail not to exceed 6 months, by a fine not to exceed $5,000, or by both that imprisonment and fine.

Status – January 28th – Referred to Committee on Public Safety

SB 811 – *Senate Member Ted Gaines, District 1 – (Penal Code): Unmanned Aircraft Systems (UAS) – State Prison*

This bill would make a person who knowingly and intentionally operates an Unmanned Aircraft System (UAS) on or above the grounds of a state prison or a jail guilty of a misdemeanor. The bill would make these misdemeanor provisions inapplicable to a person employed by the prison or jail acting within the scope of his or her employment, or a person who receives prior permission from the Department of Corrections and Rehabilitation or the county sheriff. The bill would also make these misdemeanor provisions inapplicable to any entity that is authorized by the Federal Aviation Administration to use an UAS and operates it in accordance with the terms and conditions of the authorization. By creating new crimes, the bill would impose a state-mandated local program.

Status – January 28th – Referred to Committee on Public Safety

SB 868 – *Senate Member Hannah-Beth Jackson, District 19 – **(Public Utilities Code):** Unmanned Aircraft Systems (UAS) – Remote Piloted Aircraft Act*

The bill would establish conditions for operating remote piloted aircraft, including the procurement of liability insurance. The bill would authorize the department to adopt reasonable rules and regulations governing the conditions under which remote piloted aircraft may be operated for the purpose of protecting and ensuring the general public interest and safety and the safety of persons operating remote piloted aircraft - Unmanned Aircraft System (UAS).

The bill would authorize the department to make and amend rules, orders, and procedures, and establish minimum standards consistent with the act, to assist political subdivisions and their law enforcement agencies, and to enter into any contracts necessary to remain consistent with the act. The bill would provide that a person or entity injured or aggrieved by any procedure or action of the department with respect to remote piloted aeronautics may appeal to the California Transportation Commission (CTC) for relief. The bill would provide that the provisions of the act are severable. The bill would make a violation of the act or any rule or order issued pursuant to the act punishable in the same manner as a violation of the State Aeronautics Act, which would make violations subject to criminal penalties.

The bill would authorize the Office of Emergency Services to adopt reasonable rules and regulations and to make and amend general or special rules, orders, and procedures with respect to operating a remote piloted aircraft in certain circumstances, including operating a remote piloted aircraft within 500 feet of critical infrastructure.

This bill provides several definitions, including a different definition of "Aircraft" other than what is in the current PUC code; "Aircraft" means any manned contrivance used or designed for navigation of, or flight in, the air requiring certification and registration as prescribed by federal statute or regulation. Notwithstanding the foregoing provisions of this section, manned lighter-than-air balloons and ultralight vehicles as defined in the regulations of the Federal Aviation Administration (14 C.F.R. Part 103), whether or not certificated by the Federal Aviation Administration, shall not be considered to be aircraft for purposes of this part. *"Aircraft" does not include remote piloted aircraft, as defined in Section 21753.*

Status — April 26th - Re-referred to Committee on Appropriations; May 6th – Set for hearing May 16th; May 16th – Placed on Appropriations suspense file. (Ayes 7, Noes 0). May 20th – Set for hearing May 27th.

SB 1215 – *Senate member Ben Allen, District 26 – (Government Code): California Aerospace Commission*

This bill would establish the development of activities in California related to aerospace, including aviation, commercial and governmental space travel, unmanned aerial vehicles, aerospace education and job training, infrastructure and research launches, manufacturing, academic research, applied research, economic diversification, business development, tourism, and education. This commission would also be the recipient of grants from state or local government sources or from private businesses or individuals, for California aero-space-related activities, including, but not limited to, studies, services, infrastructure improvements and modernization.

Status – April 18th hearing placed on Appropriations suspense file; May 20th – Set for hearing May 27th.

AB 1662 - *Assembly member Ed Chau, District 49 – (Public Utilities Code, starting with Par 6.5, Section 24455): Unmanned Aircraft Systems (UAS) – Reporting Accidents*

This bill requires the operator of any unmanned aircraft system involved in an accident resulting in injury to an individual or damage to property shall immediately land the unmanned aircraft at the nearest location that will not jeopardize the safety of others. Moving the unmanned aircraft in accordance with this subdivision does not affect the question of fault. The operator shall also immediately do one of the following: Present valid identification, locate and notify the owner of the property, via written notice if necessary, by leaving it in a conspicuous place on the damaged property and notify the police department.

A person who fails to comply with these requirements is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months or by a fine not exceeding one thousand dollars, or by both that imprisonment and fine. However, this section does not apply to law enforcement officers.

Status - May 12th – From Consent Calendar; May 12th – Ordered to third reading; May 19th – Read third time. Passed. Ordered to the Senate; May 19th – In Senate. Read first time. To Committee on Rules for assignment.

AB 1680 – *Assemblyman Freddie Rodriguez, District 52 – (Penal Code): Unmanned Aircraft Systems (UAS) – Crimes: Emergency Personnel*

Any person who goes to the scene of an emergency for the purpose of viewing the scene or activities of first responders, in the course of their duties, unless it is part of that person's employment to view the scene or activities, is guilty of a misdemeanor. For purposed of this bill, a person shall include a person who operates or uses an UAS.

Status – May 9th – Read third time, passed, ordered to the Senate; May 9th – In Senate Read first time. To Committee on Rules for assignment; May 19th – Referred to Committee on Public Safety.

AB 1724 – *Assembly member Marie Waldron, District 75 – (Vehicle Code): Unmanned Aircraft Systems (UAS) – Identification Requirements*

This bill would require, beginning January 1, 2017, a person or public or private entity that owns or operates an unmanned aircraft, to place specific identifying information or digitally store identifying information on the unmanned aircraft. The bill would exempt model aircraft, from that requirement. The bill would make a person or entity that violates that provision liable for a civil fine not to exceed $2,500. The bill would authorize the Attorney General, a district attorney, county counsel, or a city attorney to bring an action to recover that fine.

Status – February 25th – Referred to Committee on Privacy and Community Protection; March 29th – In committee: Set, first hearing. Hearing cancelled at the request of author.

AB 1820 – *Assembly member Bill Quirk, District 20 – (Penal Code): Unmanned Aircraft Systems (UAS) – Law Enforcement Allowable Use*

This bill describes the allowable and unallowable uses for an Unmanned Aircraft System (UAS) by law enforcement agencies; what data can and cannot be kept longer than one year, what purposes require a warrant, who has access to the data obtained, the training required for use of an UAS, etc. And it specifically states that a UAS cannot not be armed. The bill requires that the law enforcement agency complies with all applicable federal, state, and local law and the UAS policy developed by the law enforcement agency pursuant to the bill's provisions. This bill is not intended to conflict with or supersede federal law, including rules and regulations of the Federal Aviation Administration (FAA).

Status – May 19th – Read third time and amended. Ordered to third reading; May 23rd – Read third time. Passed. Ordered to the Senate; May 23rd – In Senate. Read first time; to Committee on Rules for assignment.

AB 2148 – *Assembly member Chris Holden, District 41 – (Fish and Game Code): Unmanned Aircraft Systems*

This bill would require the Department of Fish and Wildlife and the Department of Parks and Recreation to develop guidelines for the use of unmanned aircraft systems, over public lands managed by the department. In developing regulations, the department shall consider protecting wildlife from disturbance and protecting sensitive species, including endangered species. Protecting natural, cultural and historic values of state lands as well. Consideration will be provided for permitting appropriate use of UAS for conservation and scientific research purposes. Additionally, the department shall allow minimal access by adjacent landowners for agricultural purposes.

Status – May 12th – Read second time and amended. Ordered returned to second reading; May 16th – Read second time. Ordered to third reading; May 19th – Read third time. Passed. Ordered to the Senate; May 19th – In Senate. Read first time. To Committee on Rules for assignment.

AB 2320 – *Assembly member Ian Calderon, District 57; and Assembly member Evan Low, District 28 – (Penal Code): Unmanned Aircraft Systems*

This bill would state the intent of the Legislature to enact legislation that will regulate unmanned aircraft systems. Specific to the Public Utilities Code is the proposal to authorize by statute, the authority to regulate the ownership or operation of UAS vested solely in the state. A city, county or other local government entity shall not enact an ordinance or resolution that regulates the ownership or operation of unmanned aircraft systems. A city, county or other local government entity cannot otherwise engage in the regulation of the ownership or operation of unmanned aircraft.

Status – May 11th – From Committee: Do pass (Ayes 19. Noes 0); May 12th – Read second time. Ordered to third reading; May 19th – Read third time. Passed. Ordered to the Senate; May 19th – In Senate. Read first time. To committee on Rules for assignment.

AB 2600 – *Assembly member Tom Lackey, District 36 – (Education Code): California Institute for Aerospace*

This bill would express legislative findings and declarations relating to the aerospace industry in this state and request the regents to locate the California Institute for Aerospace at a satellite campus within 20 miles of Edwards Air Force Base or United States Air Force Plant 42 so it will be in close proximity to a large part of California's current aerospace research and development.

Status – March 17th – Re-referred to Committee on Higher Education; April 13th – From committee: Do pass and re-refer to Committee on Appropriations; April 27th – In committee: Set, first hearing, Referred to Appropriations suspense file.

AB 2724 – *Assembly member Mike Gatto, District 43 – (Section 9570 – Division 4 of the Civil Code relating to UAS): Unmanned Aircraft Systems: Liability of first responders*

This bill would state the intent of the Legislature to enact legislation that would provide immunity for first responders who damage or destroy drones that interfere with emergency operations.

Status – May 5th – Read second time and amended. Ordered returned to second reading; May 9th – Read second time. Ordered to third reading.