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States' Unmanned Aerial Vehicle Laws: *Michigan*



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MI ST § 259.301

MI ST § 259.303

MI ST § 259.305

MI ST § 259.311

MI ST § 259.313

MI ST § 259.320

MI ST § 259.330

MI ST § 259.331

MI ST § 388.1697

Mich. Admin. Code R. 318.111

Mich. Admin. Code R. 318.146

Current through November 11, 2022

MI ST § 259.301 Short Title

This act shall be known and may be cited as the “unmanned aircraft systems act”.

MI ST § 259.303 Definitions

As used in this act:

(a) “Commission” means the Michigan aeronautics commission created by section 26 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.26.

(b) “Department” means, unless expressly provided otherwise, the state transportation department.

(c) “Person” means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(d) “Political subdivision” means a county, city, village, township, or other political subdivision, public corporation, authority, or district in this state.

(e) “Unmanned aircraft” means an aircraft flown by a remote pilot via a ground control system, or autonomously through use of an on-board computer, communication links, and any additional equipment that is necessary for the unmanned aircraft to operate safely.

(f) “Unmanned aircraft system” means an unmanned aircraft and all of the associated support equipment, control station, data links, telemetry,



communications, navigation equipment, and other equipment necessary to operate the unmanned aircraft.

MI ST § 259.305 Regulation by Political Subdivisions; Construction with Other Laws

- (1) Except as expressly authorized by statute, a political subdivision shall not enact or enforce an ordinance or resolution that regulates the ownership or operation of unmanned aircraft or otherwise engage in the regulation of the ownership or operation of unmanned aircraft.
- (2) Subject to subsection (6), a political subdivision that prohibits by ordinance, regulation, or resolution the operation of nonemergency motor vehicles in the political subdivision may enact and enforce an ordinance, regulation, or resolution that is necessary and proper to prohibit the knowing and intentional operation of an unmanned aircraft in a manner that interferes with the safe use of a horse in a commercial activity, including, but not limited to, the use of horse-drawn carriages, wagons, or carts or horse-riding activities. An ordinance, regulation, or resolution adopted under this subsection must allow for the operation of an unmanned aircraft for any of the following purposes if that operation does not result in a knowing and intentional interference with the safe use of a horse in a commercial activity as described in this subsection and is in compliance with the regulations, authorizations, or exemptions of the United States Federal Aviation Administration:
 - (a) Newsgathering by a Federal Communications Commission licensee.
 - (b) Insurance purposes by an insurer or insurance adjustor.
 - (c) Maintenance performed by a public utility or an independent transmission company.
 - (d) Law enforcement.
- (3) This act does not prohibit a political subdivision from promulgating rules, regulations, and ordinances for the use of unmanned aircraft systems by the political subdivision within the boundaries of the political subdivision.
- (4) This act does not affect federal preemption of state law.
- (5) If this act conflicts with section 40111c or 40112 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40111c and 324.40112, those sections control.
- (6) A political subdivision that prohibits the operation of nonemergency motor vehicles shall petition the United States Federal Aviation Administration for designation as a fixed site facility under section 2209 of the FAA extension, safety, and security act of 2016, Public Law 114-190, not later than 12 months after the effective date of the rules and regulations promulgated by the United States Federal Aviation Administration that govern the processing of petitions for designation as a fixed site facility. Subsection (2) does not apply after the effective date of a fixed site designation issued by the United States Federal Aviation Administration under section 2209 of the FAA extension,



safety, and security act of 2016, Public Law 114-190, that applies to a political subdivision that prohibits the operation of nonemergency motor vehicles.

(7) As used in this section:

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

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

MI ST § 259.311 Operation of Unmanned Aircraft Systems for Commercial Purposes

A person that is authorized by the Federal Aviation Administration to operate unmanned aircraft systems for commercial purposes may operate an unmanned aircraft system in this state if the unmanned aircraft system is operated in a manner consistent with federal law.

MI ST § 259.313 Operation of Unmanned Aircraft Systems for Recreational Purposes

A person may operate an unmanned aircraft system in this state for recreational purposes if the unmanned aircraft system is operated in a manner consistent with federal law for the operation of a model aircraft.

MI ST § 259.320 Offenses Committed With Aid of Unmanned Aircraft System

(1) A person is guilty of an offense committed with the aid of an unmanned aircraft system if the unmanned aircraft system is under the person's control and the activity performed with the aid of the unmanned aircraft system would have given rise to criminal liability under the penal law of this state if it was performed directly by the person without the aid of an unmanned aircraft system.

(2) Notwithstanding subsection (1), and except as provided in sections 21 and 221 and section 45a(1) of the Michigan penal code, 1931 PA 328, MCL 750.45a, solely flying an unmanned aircraft system through navigable airspace in accordance with federal law does not give rise to criminal liability under the penal law of this state.

MI ST § 259.330 Duties of Commission; Support



- (1) The commission shall do all of the following:
 - (a) Provide advice to other departments and agencies of this state about the use of unmanned aircraft systems and related technology.
 - (b) Provide advice to the public about all of the following:
 - (i) Regulation of unmanned aircraft systems by the federal government and by this state.
 - (ii) Safe operating principles for unmanned aircraft systems.
 - (iii) Restrictions on the use of unmanned aircraft systems.
 - (iv) Any other matters within the scope of the commission's authority under this act.
 - (c) Provide education and information to departments and agencies of this state, political subdivisions, and the general public about unmanned aircraft systems.
 - (d) Receive and consider comments from persons in this state that are interested in or affected by the use of unmanned aircraft systems.
- (3) The departments and agencies of this state shall provide support to the commission as necessary and as requested for the commission to perform its duties under this act. In addition to the state transportation department's provision of support, the following departments shall provide primary support to the commission:
 - (a) The department of state police.
 - (b) The department of natural resources.
 - (c) The department of corrections.
 - (d) The department of agriculture and rural development.
 - (e) The department of licensing and regulatory affairs.

MI ST § 259.331 Unmanned Aircraft Systems Task Force

- (1) The unmanned aircraft systems task force is created to develop statewide policy recommendations on the operation, use, and regulation of unmanned aircraft systems in this state.
- (2) Within 90 days after the effective date of this act, the governor shall appoint initial members of the unmanned aircraft systems task force. The individuals appointed to the unmanned aircraft systems task force by the governor, initially and subsequently, must comprise 1 member from each of the following agencies or interest groups:
 - (a) A member from the state transportation department nominated by the director of the state transportation department.
 - (b) A member from the division of the state transportation department that performs bridge inspections and road work, nominated by the director of the state transportation department.
 - (c) A member from the department of state police, nominated by the director of the department of state police.



- (d) A member from the department of natural resources, nominated by the director of the department of natural resources.
- (e) A member from the department of agriculture and rural development, nominated by the director of the department of agriculture and rural development.
- (f) A member from the department of licensing and regulatory affairs nominated by the director of the department of licensing and regulatory affairs.
- (g) A member from the department of corrections, nominated by the director of the department of corrections.
- (h) An unmanned aircraft systems technical commercial representative.
- (i) An unmanned aircraft systems manufacturing industry representative.
- (j) A member who is licensed by the Federal Aviation Administration to operate unmanned aircraft that weigh less than 55 pounds.
- (k) A member who represents airports in this state, nominated by the director of the state transportation department.
- (l) A member from the Michigan Municipal League, nominated by the executive director of the Michigan Municipal League.
- (m) A law enforcement official from a municipality, nominated by a statewide police chiefs association.
- (n) A member who represents county sheriffs, nominated by the president of the Michigan Sheriffs' Association.
- (o) A member of a statewide agricultural association, nominated by the president of the association.
- (p) A member of a statewide retail association, nominated by the president of the association.
- (q) A member of a statewide manufacturing trade association, nominated by the president or chief executive officer of the association.
- (r) A member of a statewide property and casualty insurance association, nominated by the president or chief executive officer of the association.
- (s) A member of a statewide association that represents real estate brokers licensed in this state, nominated by the president of the association.
- (t) A member of a statewide surveying association, nominated by the president of the association.
- (u) A member of a statewide freight railroad association, nominated by the president of the association.
- (v) A member of a statewide broadcasters association, nominated by the president of the association.
- (w) A member who represents persons that operate key facilities, as that term is defined in section 552c of the Michigan penal code, 1931 PA 328, MCL 750.552c.
- (x) A member who is knowledgeable about the operation of public utilities who represents public utilities in the Upper Peninsula, nominated by the chairman of the public service commission.



- (y) A member who is knowledgeable about the operation of public utilities who represents public utilities in the Lower Peninsula, nominated by the chairman of the public service commission.
- (z) A member who represents the Mackinac Bridge Authority, nominated by the authority.
- (aa) A member who represents the city of Mackinac Island.
- (3) Initial nominations to the unmanned aircraft systems task force must be submitted to the governor within 60 days after the effective date of this act. The governor shall make the initial appointments within 30 days after the close of nominations.
- (4) Members of the unmanned aircraft systems task force shall serve for terms of 4 years or until a successor is appointed, whichever is later, except that of the initial members appointed, 6 members, as designated by the governor, shall serve for 1 year, 6 members, as designated by the governor, shall serve for 2 years, and 7 members, as designated by the governor, shall serve for 3 years.
- (5) If a vacancy occurs on the unmanned aircraft systems task force, the governor shall make an appointment for the unexpired term in the same manner as the original appointment.
- (6) The governor may remove a member of the unmanned aircraft systems task force for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.
- (7) The member from the state transportation department shall chair the unmanned aircraft systems task force and serve as a liaison to the governor and the standing committees in the house and senate that mainly deal with transportation issues. The unmanned aircraft systems task force shall meet as necessary to complete the duties of the task force. Meetings of the unmanned aircraft systems task force must be held in the central part of this state.
- (8) A majority of the members of the unmanned aircraft systems task force constitute a quorum for the transaction of business at a meeting of the task force. A majority of the members present and serving are required for official action of the task force.
- (9) The unmanned aircraft systems task force shall conduct its business at public meetings of the task force held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
- (10) A writing prepared, owned, used, in the possession of, or retained by the unmanned aircraft systems task force in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- (11) The members of the unmanned aircraft systems task force must receive no compensation for serving as members of the task force.
- (12) The unmanned aircraft systems task force shall consider commercial and private uses of unmanned aircraft systems, landowner and privacy rights, as well as general rules and regulations for safe operation of unmanned aircraft systems, and prepare comprehensive recommendations for the safe and lawful operation of unmanned aircraft systems in this state. The recommendations must include, but not be limited to, recommendations regarding the protection of



public and private property interests and the use of unmanned aircraft systems over public property.

(13) The state transportation department shall provide administrative support to the unmanned aircraft systems task force.

(14) The unmanned aircraft systems task force shall submit a report with recommendations to the governor and the standing committees in the house and senate that mainly deal with transportation issues within 3 months after the first meeting of the task force.

(15) After submitting the report required under subsection (14), the unmanned aircraft systems task force shall meet not less than once every 18 months to consider any new developments or problems that may require further consideration and recommendations by the task force.

Credits

MI ST § 388.1697 School Safety Grants; Equipment and Technology Enhancements; Application Process; Expenses Eligible for Reimbursement

(1) From the state school aid fund money appropriated in section 11,1 there is allocated \$150,000,000.00 for 2022-2023 only, and from the general fund money appropriated in section 11, there is allocated \$18,000,000.00 for 2022-2023 only, to provide payments to districts and nonpublic schools for activities to improve student safety. Allowable expenditures of funds allocated under this section include, but are not limited to, the following:

(a) Coordination with local law enforcement.

(b) Training for school staff on threat assessment.

(c) Training for school staff and students on threat response.

(d) Training for school staff on crisis communication.

(e) Safety infrastructure, including, but not limited to, cameras, door blocks, hardened vestibules, window screening, and technology necessary to operate buzzer systems. This may also include firearm detection software that integrates to existing security cameras to detect and alert school personnel and first responders to visible firearms on school property. The software described in the immediately preceding sentence must be organically developed and proprietary to the company it is purchased from and should not include any third-party or open-source data.

(f) Age-appropriate training for students and families on responsible gun ownership.

(g) Providing professional development to school resource officers that includes training on the best practices for serving in a school setting.

(h) Any other school safety service or product necessary to improve or maintain security in buildings.

(2) From the state school aid fund money allocated in subsection (1), the department shall make payments to districts in an equal amount per pupil



based on the total number of pupils in membership in each district. From the general fund money allocated in subsection (1), the department shall make payments to nonpublic schools in an equal amount per pupil, using pupil counts determined by the department. The department shall ensure that the amount per pupil paid to nonpublic schools does not exceed the amount per pupil paid to districts.

(3) If funding remains after the distribution of funds described in subsection (2), the department may provide additional per-pupil allocations to allocate remaining funding, using for those calculations the same requirements described in subsection (2).

(4) To receive funding under this section, districts and nonpublic schools must apply for the funding in a form and manner prescribed by the department. As part of the application process described in this subsection, districts and nonpublic schools must document how they will use community input to guide the expenditure of these funds and must commit to hosting at least 1 community conversation about school safety and student mental health.

(5) Notwithstanding section 17b,2 the department shall make payments under this section on a schedule determined by the department.

Mich. Admin. Code R. 318.111 Definitions

Rule 1. As used in these rules:

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(g) “Unmanned aircraft” means an aircraft remotely operated without the possibility of direct human intervention from within or on the aircraft, whether used for recreational, commercial, academic, or governmental purposes.

Mich. Admin. Code R. 318.146 Miscellaneous Unlawful Acts

Rule 46. On lands under the jurisdiction of the commission, it is unlawful for a person or persons to do any of the following:

(a) Use the lands for commercial operations without proper permission. In considering whether to grant permission, the commission shall consider all of the following factors:

(i) Interference with the safety, health, and welfare of the public.

(ii) Need for the service.

(iii) Whether the service is a duplication of available services.

(b) Use a loudspeaker or public address system without proper permission.

The commission shall not grant permission if the system is capable of interfering with horse-drawn traffic by having the effect of frightening horses, thereby endangering the safety of passengers in the vehicles, pedestrians, bicycle riders, and others.

(c) Store or leave a boat, fish shanty, camping equipment, or other property without proper permission.



(d) Enter those buildings or areas to which an admission fee is established without payment of the fee, or without permission given by the commission, a commissioner, the director, or deputy director under order of the commission. Permission normally is to be given only to persons on business with the commission, any member of the commission, or any duly authorized staff member.

(e) For any lessee, licensee, or concessionaire to use, construct, or occupy any building within the park which is not furnished with an approved dry chemical fire extinguisher.

(f) For any lessee, licensee, or concessionaire to exercise his or her privileges within the park without procuring and keeping in effect such public liability and property damage insurance as the commission may deem adequate.

(g) For any person to furnish a saddle horse to another person for use in the Mackinac Island state park, unless a current license has been issued by the commission for the use of the saddle horse in the Mackinac Island state park.

(h) Engage in any violent, abusive, loud, boisterous, wanton, obscene, or otherwise disorderly conduct creating a breach of the peace; loiter, sit, or lie upon walks, passages, steps, or porches thereby obstructing the free passage of others; or remove, damage, or steal the property of another.

(i) Hold or participate in any type of road race or speed contest without proper permission.

(j) Conduct excavations, diggings, or surveys without proper permission.

(k) Carry or possess a metal detector without proper permission.

(l) Remove any archeological materials or artifacts without proper permission.

(m) Possess or consume alcoholic beverages in Marquette Park between the hours of 10:00 p.m. and 8:00 a.m.

(n) Launch or use a sky lantern or waterborne candle lantern.

(o) Use or operate an unmanned aircraft without proper written permission.

(p) Do any of the following without proper permission:

(i) Carry or possess a firearm unless unloaded in both barrel and magazine. Persons with valid Michigan Concealed Pistol licenses are not subject to this rule.

(ii) Shoot an air rifle, air pistol, paintball-emitting device of any kind, or slingshot.

(iii) Shoot a bow and arrow or crossbow.

