

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 3312

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DATE	D-PG	OFFICIAL STATUS
03/29/2016	5322	Introduction and first reading Referred to Transportation and Public Safety
03/30/2016	5383	Authors added Abeler; Hayden
03/31/2016		Comm report: To pass as amended and re-refer to Judiciary

A bill for an act

1.1 relating to aeronautics; regulating the operation of unmanned aircraft systems;
 1.2 providing penalties; authorizing rulemaking; amending Minnesota Statutes 2014,
 1.3 sections 360.013, by adding a subdivision; 360.075, subdivision 1, by adding
 1.4 subdivisions; 360.55, by adding a subdivision; proposing coding for new law in
 1.5 Minnesota Statutes, chapter 360.
 1.6

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2014, section 360.013, is amended by adding a
 1.9 subdivision to read:

1.10 Subd. 62. **Unmanned aircraft system.** "Unmanned aircraft system" means an
 1.11 unmanned, powered aircraft that does not carry a human operator, can be autonomous or
 1.12 remotely piloted or operated, and can be expendable or recoverable. Unmanned aircraft
 1.13 system does not include a satellite orbiting the earth.

1.14 Sec. 2. Minnesota Statutes 2014, section 360.075, subdivision 1, is amended to read:

1.15 Subdivision 1. **Misdemeanor.** Every person who:

1.16 (1) operates an aircraft either on or over land or water in this state without the
 1.17 consent of the owner of such aircraft;

1.18 (2) operates aircraft while in the possession of any federal license, certificate, or
 1.19 permit or any certificate of registration issued by the ~~Transportation~~ Department of ~~this~~
 1.20 ~~state~~ Transportation, or displays, or causes or permits to be displayed, such federal license,
 1.21 certificate, or permit or such state certificate of registration, knowing either to have been
 1.22 canceled, revoked, suspended, or altered;

2.1 (3) lends to, or knowingly permits the use of by, one not entitled thereto of any
2.2 federal airman's or aircraft license, certificate, or permit, or any state airman's or aircraft
2.3 certificate of registration issued to that person;

2.4 (4) displays or represents as the person's own any federal airman's or aircraft license,
2.5 certificate, or permit or any state airman's or aircraft certificate of registration not issued
2.6 to that person;

2.7 (5) tampers with, climbs upon or into, makes use of, or navigates any aircraft without
2.8 the knowledge or consent of the owner or person having control thereof, whether while the
2.9 same is in motion or at rest, or hurls stones or any other missiles at aircraft, or the occupants
2.10 thereof, or otherwise damages or interferes with the same, or places upon any portion of any
2.11 airport any object, obstruction, or other device tending to injure aircraft or parts thereof;

2.12 (6) uses a false or fictitious name, gives a false or fictitious address, knowingly
2.13 makes any false statement or report, or knowingly conceals a material fact, or otherwise
2.14 commits a fraud in any application or form required under the provisions of sections
2.15 360.011 to 360.076, or by any rules or orders of the commissioner;

2.16 (7) operates any aircraft in such a manner as to indicate either a willful or a wanton
2.17 disregard for the safety of persons or property;

2.18 (8) carries on or over land or water in this state in an aircraft other than a public
2.19 aircraft any explosive substance except as permitted by ~~the Federal Explosives Act, being~~
2.20 ~~the Act of October 6, 1917, as amended by Public Law 775, 77th Congress, approved~~
2.21 ~~November 24, 1942~~ United States Code, title 18, chapter 40, and Code of Federal
2.22 Regulations, title 27, part 555;

2.23 (9) discharges a gun, pistol, or other weapon in or from any aircraft in this state
2.24 except as the hunting of certain wild animals from aircraft may be permitted by other laws
2.25 of this state, or unless the person is the pilot or officer in command of the aircraft or a
2.26 peace officer or a member of the military or naval forces of the United States, engaged in
2.27 the performance of duty;

2.28 (10) carries in any aircraft, other than a public aircraft, any shotgun, rifle, pistol, or
2.29 small arms ammunition except in the manner in which such articles may be lawfully carried
2.30 in motor vehicles in this state, or is a person excepted from the provisions of clause (9);

2.31 (11) engages in acrobatic or stunt flying without being equipped with a parachute
2.32 and without providing any other occupants of the aircraft with parachutes and requiring
2.33 that they be worn;

2.34 (12) while in flying over a thickly inhabited area or over a public gathering in this
2.35 state, engages in trick or acrobatic flying or in any acrobatic feat;

3.1 (13) except while in landing or taking off, flies at such low levels as to endanger
3.2 persons on the surface beneath, or engages in advertising through the playing of music
3.3 or transcribed or oral announcements, or makes any noise with any siren, horn, whistle,
3.4 or other audible device which is not necessary for the normal operation of the aircraft,
3.5 except that sound amplifying devices may be used in aircraft when operated by or under
3.6 the authority of any agency of the state or federal government for the purpose of giving
3.7 warning or instructions to persons on the ground;

3.8 (14) drops any object, except loose water, loose fuel, or loose sand ballast, without
3.9 the prior written consent of the commissioner of transportation and the prior written
3.10 consent of the municipality or property owner where objects may land; drops objects
3.11 from an aircraft that endanger person or property on the ground, or drops leaflets for any
3.12 purpose whatsoever; or

3.13 (15) while in flight in an aircraft, whether as a pilot, passenger, or otherwise,
3.14 endangers, kills, or attempts to kill any birds or animals or uses any aircraft for the purpose
3.15 of concentrating, driving, rallying, or stirring up migratory waterfowl;
3.16 except as may be permitted by other laws of this state, shall be guilty of a misdemeanor.

3.17 Sec. 3. Minnesota Statutes 2014, section 360.075, is amended by adding a subdivision
3.18 to read:

3.19 Subd. 8. **Unmanned aircraft system operations.** Every person who:

3.20 (1) operates an unmanned aircraft system either on or over land or water in this state
3.21 without the consent of the owner of such aircraft;

3.22 (2) knowingly operates an unmanned aircraft system with a certificate of registration
3.23 issued by the commissioner of transportation that is canceled, revoked, suspended, or
3.24 altered;

3.25 (3) operates any unmanned aircraft system in such a manner as to indicate either a
3.26 willful or a wanton disregard for the safety of persons or property;

3.27 (4) carries on or over land or water in this state in an aircraft other than a public
3.28 aircraft any explosive substance except as permitted by United States Code, title 18,
3.29 chapter 40, and Code of Federal Regulations, title 27, part 555;

3.30 (5) launches or recovers an unmanned aircraft system from state or private property
3.31 without consent; or

3.32 (6) interferes with manned aircraft by willfully damaging, disrupting the operations
3.33 of, or otherwise interfering with a manned aircraft while taking off, landing, in flight, or
3.34 otherwise in motion, through the use of an unmanned aircraft system;

3.35 except as may be permitted by other laws of this state, is guilty of a misdemeanor.

4.1 Sec. 4. Minnesota Statutes 2014, section 360.075, is amended by adding a subdivision
4.2 to read:

4.3 Subd. 9. **Gross misdemeanor.** Every person who commits any of the acts specified
4.4 in subdivision 8 for a second or subsequent time is guilty of a gross misdemeanor.

4.5 Sec. 5. Minnesota Statutes 2014, section 360.075, is amended by adding a subdivision
4.6 to read:

4.7 Subd. 10. **Careless or reckless operation.** Every person who operates an unmanned
4.8 aircraft system in the air or on the ground or water, in a careless or reckless manner so as
4.9 to endanger the life or property of another, is guilty of a misdemeanor.

4.10 Sec. 6. Minnesota Statutes 2014, section 360.55, is amended by adding a subdivision
4.11 to read:

4.12 Subd. 9. **Unmanned aircraft system.** (a) An unmanned aircraft system operated for
4.13 commercial purposes must be registered for an annual fee of \$25 and provide proof of a
4.14 sales tax payment. An unmanned aircraft system registered under this paragraph is not
4.15 subject to the taxes and fees provided in sections 360.511 to 360.67.

4.16 (b) An unmanned aircraft system operated for private, noncommercial purposes is
4.17 not subject to registration and fee requirements under this subdivision, or to taxes and fees
4.18 under sections 360.511 to 360.67.

4.19 (c) An unmanned aircraft system owned and operated by a governmental entity
4.20 must be registered for an annual fee of \$25 and provide proof of a sales tax payment. An
4.21 unmanned aircraft system registered under this paragraph is not subject to the taxes and
4.22 fees provided in sections 360.511 to 360.67.

4.23 Sec. 7. **[360.591] UNMANNED AIRCRAFT SYSTEM; COMMERCIAL USE**
4.24 **PERMIT.**

4.25 Subdivision 1. **Permit required.** A person is prohibited from operating an
4.26 unmanned aircraft system for a commercial purpose in this state unless the person
4.27 possesses a valid commercial operator permit issued by the Department of Transportation
4.28 for the unmanned aircraft system being operated. An operator must apply for the permit
4.29 from the department in the manner provided by the department.

4.30 Subd. 2. **Permit requirements; eligibility.** In order to be eligible for a commercial
4.31 operator permit under this section, a person must:

4.32 (1) be at least 17 years of age;

4.33 (2) possess a valid driver's license;

- 5.1 (3) pass a knowledge test for operating an unmanned aircraft system;
5.2 (4) register and pay the fee under section 360.55, subdivision 9, paragraph (a); and
5.3 (5) satisfy all other applicable state or federal regulations.

5.4 Subd. 3. **Knowledge test.** (a) The department must develop and administer a testing
5.5 program that complies with all applicable federal regulations for issuance of commercial
5.6 operator permits for unmanned aircraft systems.

5.7 (b) The testing program must include:

5.8 (1) a permit application process, including a requirement that the department provide
5.9 notice to an applicant of the department's permit issuance decision no later than ten days
5.10 from the date the department receives the application;

5.11 (2) technical guidance for complying with program requirements;

5.12 (3) criteria the department must use when determining whether to suspend or revoke
5.13 a permit;

5.14 (4) criteria the department must use when determining whether to waive permitting
5.15 requirements for applicants currently holding a valid license or a permit to operate
5.16 unmanned aircraft systems issued by another state or territory of the United States, the
5.17 District of Columbia, or the United States; and

5.18 (5) requirements for marking each unmanned aircraft system to identify the owner of
5.19 the system and the person issued a permit to operate it under this section.

5.20 Subd. 4. **Unlawful commercial operations.** A person who operates an unmanned
5.21 aircraft system for commercial purposes in violation of this section is guilty of a
5.22 misdemeanor.

5.23 Subd. 5. **Liability insurance required.** In order to operate an unmanned aircraft
5.24 system for commercial purposes in Minnesota, a person must carry liability insurance
5.25 protecting third parties for both personal injury and property damage.

5.26 Subd. 6. **Rulemaking.** The department is authorized to adopt rules to implement the
5.27 provisions of this section.

5.28 Sec. 8. **EFFECTIVE DATE.**

5.29 Sections 1 to 7 are effective January 1, 2017.