

# STATE OF NEW YORK

3914

2021-2022 Regular Sessions

## IN SENATE

February 1, 2021

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to regulating the use of unmanned aircraft in the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 article 48-D to read as follows:

3 ARTICLE 48-D

4 UNMANNED AIRCRAFT

5 Section 2500. Legislative purpose.

6 2501. Definitions.

7 2502. Permitted use of unmanned aircraft.

8 2503. Restricted use of unmanned aircraft.

9 2504. State preemption.

10 § 2500. Legislative purpose. It is the purpose of this article to  
11 encourage the safe operation of unmanned aircraft and to give users of  
12 unmanned aircraft clear rules of operation that also give state and  
13 local law enforcement the tools needed to protect public safety, privacy  
14 and property. This section is intended to ensure consistency and avoid  
15 conflict between local, state and federal law pertaining to unmanned  
16 aircraft and their use.

17 § 2501. Definitions. 1. "Person" means an individual, partnership,  
18 corporation, association, governmental entity, or other legal entity.

19 2. "Political subdivision" means a county, city, village, township, or  
20 other department, agency, political subdivision, public corporation,  
21 authority, or district in this state.

22 3. "Unmanned aircraft" means an aircraft operated without the possi-  
23 bility of direct human intervention from within or on the aircraft.

24 4. "Unmanned aircraft system" means an unmanned aircraft and associ-  
25 ated elements, including communication links and components that control

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 the unmanned aircraft that are required for the pilot in command to  
2 operate safely and efficiently.

3 § 2502. Permitted use of unmanned aircraft. 1. The flight of unmanned  
4 aircraft over the land and waters of this state is lawful.

5 2. A person may operate an unmanned aircraft system in this state for  
6 commercial or recreational purposes if the unmanned aircraft system is  
7 operated in a manner consistent with federal law and regulation.

8 § 2503. Restricted use of unmanned aircraft. 1. A person operating an  
9 unmanned aircraft shall not interfere with manned aircraft and shall  
10 always give right of way to manned aircraft.

11 2. A person operating an unmanned aircraft shall not intentionally  
12 operate an unmanned aircraft in a manner that is imminently dangerous to  
13 persons or property lawfully on the land or water beneath.

14 3. A person operating an unmanned aircraft shall not intentionally  
15 operate an unmanned aircraft in a manner that constitutes a frequent,  
16 repetitive, substantial and unreasonable nuisance.

17 4. A person operating an unmanned aircraft shall not operate an  
18 unmanned aircraft in this state without first complying with all appli-  
19 cable licensing, registration, and marking requirements required by the  
20 Federal Aviation Administration.

21 5. A person operating an unmanned aircraft shall not operate in  
22 violation of any flight restriction issued by the Federal Aviation  
23 Administration.

24 6. A person shall not knowingly and intentionally operate an unmanned  
25 aircraft system in a manner that unreasonably obstructs with the offi-  
26 cial duties of any of the following: (a) a police officer; (b) fire-  
27 fighter; (c) paramedic; or (d) search and rescue personnel.

28 7. A person shall not knowingly and intentionally operate an unmanned  
29 aircraft system to subject an individual to harassment. As used in this  
30 subdivision, "harassment" means that term as defined in sections 240.25,  
31 240.26, 240.30 or 240.31 of the penal law.

32 8. A person shall not knowingly and intentionally operate an unmanned  
33 aircraft system within a distance that, if the person were to do so  
34 personally rather than through remote operation of an unmanned aircraft,  
35 would be a violation of a restraining order or other judicial order.

36 9. This section does not affect the ability to investigate or to  
37 arrest, prosecute, or convict an individual for any other violation of a  
38 law of this state.

39 § 2504. State preemption. 1. In concert with federal law and regu-  
40 lation, the authority to regulate the ownership or operation of unmanned  
41 aircraft is vested solely with the state.

42 2. Except as expressly authorized by statute, a political subdivision  
43 shall not enact or enforce an ordinance or resolution that regulates the  
44 ownership or operation of unmanned aircraft or otherwise engage in the  
45 regulation of the ownership or operation of unmanned aircraft. Poli-  
46 tical subdivisions must work in compliance with state law regarding  
47 limits placed on the ownership or operation of unmanned aircraft.

48 3. Any existing or future local law or ordinance which is inconsis-  
49 tent with any provision of this subdivision or any rule and regulation  
50 promulgated hereunder shall be preempted.

51 4. This article does not affect federal preemption of state law.

52 § 2. This act shall take effect immediately.