STATE OF NEW YORK

1439

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. MAGNARELLI -- read once and referred 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:

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

ARTICLE 48-D

UNMANNED AIRCRAFT

Section 2500. Legislative purpose.

2501. Definitions.

2502. Permitted use of unmanned aircraft.

2503. Restricted use of unmanned aircraft.

2504. State preemption.

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

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

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

3. "Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

4. "Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links and components that control

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

LBD01714-01-1

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

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

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

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

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

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

4. A person operating an unmanned aircraft shall not operate an unmanned aircraft in this state without first complying with all applicable licensing, registration, and marking requirements required by the Federal Aviation Administration.

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

6. A person shall not knowingly and intentionally operate an unmanned aircraft system in a manner that unreasonably obstructs with the official duties of any of the following: (a) a police officer; (b) firefighter; (c) paramedic; or (d) search and rescue personnel.

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

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

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

§ 2504. State preemption. 1. In concert with federal law and regulation, the authority to regulate the ownership or operation of unmanned aircraft is vested solely with the state.

2. 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. Political subdivisions must work in compliance with state law regarding limits placed on the ownership or operation of unmanned aircraft.

3. Any existing or future local law or ordinance which is inconsistent with any provision of this subdivision or any rule and regulation promulgated hereunder shall be preempted.

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

§ 2. This act shall take effect immediately.