

STATE OF NEW YORK

194

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

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 Assem-
bly, 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:

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.

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.

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

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1 4. "Unmanned aircraft system" means an unmanned aircraft and associ-
2 ated elements, including communication links and components that control
3 the unmanned aircraft that are required for the pilot in command to
4 operate safely and efficiently.

5 § 2502. Permitted use of unmanned aircraft. 1. The flight of unmanned
6 aircraft over the land and waters of this state is lawful.

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

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

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

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

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

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

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

30 7. A person shall not knowingly and intentionally operate an unmanned
31 aircraft system to subject an individual to harassment. As used in this
32 subdivision, "harassment" means that term as defined in sections 240.25,
33 240.26, 240.30 or 240.31 of the penal law.

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

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

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

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

50 3. Any existing or future local law or ordinance which is inconsist-
51 ent with any provision of this subdivision or any rule and regulation
52 promulgated hereunder shall be preempted.

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

54 § 2. This act shall take effect immediately.