

# Rules for Flying Drones

June 29, 2019

Recreational flyers should know that if they intentionally violate any of these safety requirements, and/or operate in a careless and reckless manner, they could be liable for criminal and/or civil penalties.

## Federal Aviation Administration (FAA) rules for flying under statute 49USC44809:

Fly for hobby or recreation ONLY

- Register your model aircraft
- Fly within visual line-of-sight
- Follow community-based safety guidelines and fly within the programming of a nationwide community-based organization
- Fly a drone under 55 lbs. unless certified by a community-based organization
- Never fly near other aircraft
- Notify the airport and air traffic control tower prior to flying within five miles of an airport
- Never fly near emergencies such as any type of accident response, or near law enforcement, firefighting or emergency medical personnel activities.
- It is the responsibility of the person flying the drone to contact the airport directly. Sea-based airports and helicopter landing pads located at hospitals, news stations and other businesses should also be notified.

## **Register your drone with the FAA**

- You're going to need to register your drone with the FAA. The only situations where you aren't required to register is if your drone weighs less than 0.55 pounds and is flown recreationally or flown indoors . [Failure to register can result in fines up to \\$27,500](#) and [even jail time](#).
  - There are two registration options when you register with the FAA -- Part 107 and recreational.
- After registering your drone, you must have the registration card on you as well as your registration number on the outside of your drone so that it is easily visible by public safety.
- If you fly a drone at civil twilight you must have anti-collision lights on your drone.
- **STATUTE 49USC44809:**
  - If you plan to fly exclusively for hobby and recreation, Section 336 states you cannot use the drone for any business-related activity. Taking photos and videos to sell or for promotional purposes, inspecting the rooftop of a property you own (or could own), even using footage in a self-financed independent film production or social media use (if your accounts are monetized) are all considered commercial uses and are not allowed under a Section 336 registration.

## **FAA rules for flying under Part 107**

- Unmanned aircraft must weigh less than 55 pounds, including payload, at takeoff
- **Fly your drone at or below 400 feet when in uncontrolled or "Class G" airspace.**
  - This is airspace where the FAA is not controlling manned air traffic.
- Keep the unmanned aircraft within visual line-of-sight
- Fly during daylight or civil twilight

- Need waiver from FAA.
- Fly at or under 100 mph
- Yield right of way to manned aircraft
- Never fly over groups of people, public events or stadium's full of people
- Do not fly from a moving vehicle
- Do not fly under the influence of drugs or alcohol
- Need airspace authorization from either drone zone or a FAA authorized LAANCE provider.

### **Under Michigan Law:**

#### **259.311 Operation of unmanned aircraft system; person authorized by Federal Aviation Administration.**

Sec. 11.

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.

**History:** 2016, Act 436, Eff. Apr. 4, 2017

#### **● 259.313 Operation of unmanned aircraft system; manner.**

##### **Sec. 13.:**

- 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.

History: 2016, Act 436, Eff. Apr. 4, 2017

- **259.321** Operation of unmanned aircraft system; interference with official duties prohibited. Sec. 21.

- An individual shall not knowingly and intentionally operate an unmanned aircraft system in a manner that interferes with the official duties of any of the following:
  - (a) A law enforcement official, as that term is defined in section 7 of chapter III of the code of criminal procedure, 1927 PA 175, MCL 763.7.
  - (b) A firefighter.
  - (c) Emergency medical services personnel, as that term is defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.
  - (d) Search and rescue personnel.
  - (e) A state correctional officer, as that term is defined in section 2 of the correctional officers' training act of 1982, 1982 PA 415, MCL 791.502, or any other individual employed by the department of corrections.
  - (f) A local corrections officer, as that term is defined in section 2 of the local corrections officers training act, 2003 PA 125, MCL 791.532.

**History: 2016, Act 436, Eff. Apr. 4, 2017 ;-- Am. 2018, Act 468, Eff. Mar. 27, 2019**

- **259.322 Operation of unmanned aircraft system; harassment, violation of order, or invasion of privacy prohibited; definition; individual registered as sex offender. Sec. 22.**
  - A person shall not knowingly and intentionally operate an unmanned aircraft system to subject an individual to harassment. As used in this subsection, "harassment" means that term as defined in section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.
  - 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.

- A person shall not knowingly and intentionally operate an unmanned aircraft system to violate section 539j of the Michigan penal code, 1931 PA 328, MCL 750.539j, or to otherwise capture photographs, video, or audio recordings of an individual in a manner that would invade the individual's reasonable expectation of privacy.
- An individual who is required to register as a sex offender under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, shall not operate an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another individual, if the individual's sentence in a criminal case would prohibit the individual from following, contacting, or capturing the image of the other individual.

History: 2016, Act 436, Eff. Apr. 4, 2017

● **259.323 Violation as misdemeanor; penalty; other violation of law. Sec. 23.**

- An individual who violates section 21 or 22 is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.
- 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.

**History: 2016, Act 436, Eff. Apr. 4, 2017**

**The majority of Michigan's drone laws and regulations emphasize a drone cannot be used as a potential loophole to violate existing Michigan laws.**

- Sec. 22 (4), registered sex offenders are allowed to fly drones, provided they do not use them to violate any of Michigan's laws for sex offenders (MCL 28.721 to 28.736). Additionally, breaking the law through the use of a drone can result in being charged twice -- it's a misdemeanor to violate any part of section 21 or 22 and a pilot can be fined or imprisoned for violating Act No.

436 in addition to charges assigned had the pilot broken the law without the use of a drone.