

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 3312

(SENATE AUTHORS: REST, Dibble, Latz, Abeler and Hayden)

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	5403a	Comm report: To pass as amended and re-refer to Judiciary
04/01/2016	5455a	Comm report: To pass as amended and re-refer to Finance

1.1

A bill for an act

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relating to aeronautics; regulating the operation of drones; providing penalties;

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amending Minnesota Statutes 2014, sections 360.013, by adding a subdivision;

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360.075, subdivisions 1, 2; 360.55, by adding a subdivision; proposing coding

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for new law in Minnesota Statutes, chapter 360.

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

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Section 1. Minnesota Statutes 2014, section 360.013, is amended by adding a

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subdivision to read:

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Subd. 47a. **Drones.** "Drone" means a powered aircraft that is operated without the

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possibility of direct human intervention from within or on the aircraft.

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

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

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(1) operates an aircraft either on or over land or water in this state without the

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consent of the owner of such aircraft;

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(2) operates aircraft while in the possession of any federal license, certificate, or

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permit or any certificate of registration issued by the ~~Transportation~~ department of this

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~~state~~, or displays, or causes or permits to be displayed, such federal license, certificate,

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or permit or such state certificate of registration, knowing either to have been canceled,

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revoked, suspended, or altered;

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(3) lends to, or knowingly permits the use of by, one not entitled thereto of any

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federal airman's or aircraft license, certificate, or permit, or any state airman's or aircraft

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certificate of registration issued to that person;

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

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

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

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

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

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

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

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

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

(13) except while in landing or taking off, flies at such low levels as to endanger persons on the surface beneath, or engages in advertising through the playing of music or transcribed or oral announcements, or makes any noise with any siren, horn, whistle, or other audible device which is not necessary for the normal operation of the aircraft,

except that sound amplifying devices may be used in aircraft when operated by or under the authority of any agency of the state or federal government for the purpose of giving warning or instructions to persons on the ground;

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

(15) while in flight in an aircraft, whether as a pilot, passenger, or otherwise, endangers, kills, or attempts to kill any birds or animals or uses any aircraft for the purpose of concentrating, driving, rallying, or stirring up migratory waterfowl;

(16) uses a drone with intent to damage, disrupt, or otherwise interfere with an aircraft that is in motion on the ground or in the air; or

(17) knowingly operates a drone within an emergency zone established by a law enforcement agency, fire department, or emergency medical service provider, or within one mile of a helicopter being operated by one of these entities;

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

Notwithstanding section 609.035 or 609.04, a prosecution for or conviction of violating clause (16) is not a bar to conviction of or punishment for any other crime.

Sec. 3. Minnesota Statutes 2014, section 360.075, subdivision 2, is amended to read:

Subd. 2. **Gross misdemeanor.** ~~Every A person who shall commit any of the acts specified in~~ commits a violation of subdivision 1 for a second or other subsequent time shall be after having previously been convicted of violating subdivision 1 is guilty of a gross misdemeanor.

Sec. 4. Minnesota Statutes 2014, section 360.55, is amended by adding a subdivision to read:

Subd. 9. **Drones.** A drone that weighs up to a maximum of 55 pounds may be subject to fees under section 360.679, and is exempt from taxes and fees under sections 360.511 to 360.67.

Sec. 5. **[360.679] DRONE; COMMERCIAL USE PERMIT.**

Subdivision 1. **Requirements for commercial use permit.** The commissioner shall issue a commercial use permit to an owner of a drone weighing up to a maximum of 55 pounds, when the owner:

4.1 (1) utilizes the drone for any purpose other than hobby or recreational use;
4.2 (2) provides proof of payment of sales tax on the purchase of the drone;
4.3 (3) identifies each individual who will operate the drone and certifies to the
4.4 commissioner that each operator meets the qualifications under subdivision 3;
4.5 (4) provides proof of insurance that complies with the requirements of and limits in
4.6 section 360.59, subdivision 10;
4.7 (5) pays an annual permit fee of \$25; and
4.8 (6) provides additional information the commissioner deems to be necessary or
4.9 desirable.

4.10 Subd. 2. **Deposit of fee.** The proceeds of the fee required under subdivision 1
4.11 must be collected by the commissioner, paid into the state treasury, and credited to the
4.12 state airports fund.

4.13 Subd. 3. **Qualifications for drone operators.** The commissioner shall develop and
4.14 administer a written knowledge test for drone operators that complies with all applicable
4.15 state and federal regulations. To be eligible to take the knowledge test, a person must:

4.16 (1) be at least 17 years of age;
4.17 (2) possess a valid driver's license issued by this state, another state or territory of
4.18 the United States, or the District of Columbia; and
4.19 (3) satisfy all other applicable state or federal requirements.

4.20 A drone operator must pass the test and meet all qualifications under this subdivision in
4.21 this state or in a state with comparable requirements.

4.22 Subd. 4. **Commercial use permit process.** The commissioner shall implement a
4.23 permit application process, including a requirement that the department provide notice to an
4.24 applicant of the department's permit issuance decision no later than ten days from the date
4.25 the department receives the application. The commissioner shall offer technical guidance
4.26 for permit applicants and permit holders to enable compliance with program requirements.

4.27 Subd. 5. **Unlawful operations.** A person who owns or operates a drone in violation
4.28 of this section is guilty of a misdemeanor.

4.29 **Sec. 6. EFFECTIVE DATE.**

4.30 This act is effective January 1, 2017. Sections 2, 3, and 5, subdivision 5, apply
4.31 to crimes committed on or after that date.