

Assembly Bill No. 2724

Passed the Assembly August 30, 2016

Chief Clerk of the Assembly

Passed the Senate August 24, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Part 7 (commencing with Section 9570) to Division 4 of the Civil Code, relating to unmanned aircraft.

LEGISLATIVE COUNSEL'S DIGEST

AB 2724, Gatto. Unmanned aircraft.

Existing federal law, the FAA Modernization and Reform Act of 2012 (FMRA 2012), provides for the integration of civil and public unmanned aircraft systems, commonly known as drones, into the national airspace system. Existing federal law imposes various operational safety requirements and aircraft certification requirements on aircraft, including unmanned aircraft. Existing federal law also generally requires an aircraft to be registered with the Federal Aviation Administration (FAA), and except as provided, prohibits a person from operating a United States registered aircraft unless that aircraft displays specified nationality and registration marks or from placing on any aircraft a design, mark, or symbol that modifies or confuses those nationality and registration marks. Existing federal law establishes an online and paper-based registration process for specified types of unmanned aircraft systems.

This bill would require a person who manufactures an unmanned aircraft for sale in this state to include with the unmanned aircraft a link to the FAA Internet Web site containing safety regulations or best practices applicable to unmanned aircraft and, if the unmanned aircraft is required to be registered with the FAA, a notification of that requirement and a link to the FAA registration Internet Web site. The bill would require an unmanned aircraft equipped with global positioning satellite mapping capabilities to also be equipped with geofencing technological capabilities that prohibit the unmanned aircraft from flying within any area prohibited by local, state, or federal law, as specified. The bill would require the owner of an unmanned aircraft to procure adequate protection against liability imposed by law on owners of unmanned aircraft, including the payment of damages for personal bodily injuries and death, and for property damage, resulting from the operation of the unmanned aircraft. The bill would require the

Department of Insurance, in consultation with the Department of Transportation, to set the amount of liability protection that is adequate. The bill would make the provision requiring adequate protection against liability operative on January 1, 2020. The bill would exempt from its provisions an unmanned aircraft operated pursuant to a current exemption, or Certificates of Waiver or Authorization issued pursuant to FMRA 2012 or other commercial operator authorization granted by the FAA. The bill would provide that if any provision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

The people of the State of California do enact as follows:

SECTION 1. Part 7 (commencing with Section 9570) is added to Division 4 of the Civil Code, to read:

PART 7. UNMANNED AIRCRAFT

9570. This part shall be known and may be cited as the Drone Registration Omnibus Negligence Prevention Enactment (DRONE) Act.

9575. As used in this part, “unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

9580. (a) A person who manufactures an unmanned aircraft for sale in this state shall include with the unmanned aircraft both of the following:

(1) A link to the Federal Aviation Administration Internet Web site containing safety regulations or best practices applicable to unmanned aircraft.

(2) If the unmanned aircraft is required to be registered with the Federal Aviation Administration, a notification of that requirement and a link to the Federal Aviation Administration registration Internet Web site.

(b) Unless preempted by federal law, an unmanned aircraft equipped with global positioning satellite mapping capabilities shall also be equipped with geofencing technological capabilities that prohibit the unmanned aircraft from flying within any area prohibited by local, state, or federal law.

9585. (a) The owner of an unmanned aircraft shall procure adequate protection against liability imposed by law on owners of unmanned aircraft, including the payment of damages for personal bodily injuries and death, and for property damage, resulting from the operation of the unmanned aircraft.

(b) The Department of Insurance, in consultation with the Department of Transportation, shall set the amount of liability protection that is adequate.

(c) This section shall become operative on January 1, 2020.

9590. This part does not apply to an unmanned aircraft operated pursuant to a current exemption, Certificate of Waiver or Authorization issued pursuant to Section 333 or 334 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95 (Feb. 12, 2014) 126 Stat. 11, 75-76), or other commercial operator authorization granted by the Federal Aviation Administration.

9595. The provisions of this part are severable. If any provision of this part or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Approved _____, 2016

Governor