



**California Aviation Related Legislative
Bill Analysis Summary
Prepared by the
California Department of Transportation
Division of Aeronautics
September 25, 2015**

- September 11, 2015: Last day for any bill to be passed
- October 11, 2015: Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 11 and in the Governor’s possession by then.
- January 1, 2016: Statutes take effect
- January 4, 2016: Legislature reconvenes

AB 14, Assembly Member Waldron, District 75 – (Government Code): relating to Unmanned Aircraft Systems) (UAS)

This bill would create the Unmanned Aircraft System (UAS) Task Force. The task force would be responsible for formulating a comprehensive plan for state regulation of UAS. The task force would be required to submit, among other things, a comprehensive policy draft and suggested legislation pertaining to unmanned aircraft to the Legislature and the Governor on or before January 1, 2018. The Task Force would be operating as an ongoing working group reporting ongoing activity, commenting on FAA policy development and anticipating California’s needs for high technology, etc. The bill would provide that these provisions are repealed on January 1, 2022.

Status – April 13th - *In committee: Set, first hearing, failed passage. Reconsideration granted. No further action.*

**The Division has not been requested to analyze this bill since it is simply the formation of a task force; (The Division is watching this bill progress and including amendments.)*

AB 56, Assembly Member Quirk, District – 20 (Government Code): Unmanned Aircraft Systems (UAS)

Notwithstanding any provision of this chapter, images, footage or data obtained through the use of an UAS are public records subject to disclosure. Nothing requires the disclosure of this

information if it would endanger the safety of a person involved in an investigation or the successful completion of the investigation.

A law enforcement agency may use an unmanned aircraft system, or use information obtained from an unmanned aircraft system used by another public agency, if the law enforcement agency complies with the requirements of this title and all applicable federal, state, and local law.

If the use of an unmanned aircraft system by a local law enforcement agency may involve the collection of images, footage, or data from another county, city, or city and county, the law enforcement agency shall obtain a warrant based on probable cause, unless an exigent circumstance exists.

The bill would prohibit a law enforcement agency from using a UAS to surveil private property unless the law enforcement agency obtains a search warrant or permission of the person with the legal authority to authorize a search.

Law enforcement may use a UAS to surveil private property if an emergency exists, not limited to fires, hostage crises, “hot pursuit” situations, search and rescue operations on land or water.

It would also require images, footage, or data of private property obtained during a mission to be permanently destroyed within one year, except as specified.

Unless authorized by federal law, a person or entity shall not equip or arm an unmanned aircraft system with a weapon or other device that may be carried by, or launched or directed from, an unmanned aircraft system that is intended to cause incapacitation, bodily injury or death, or damage to, or the destruction of, real or personal property.

This title is not intended to conflict with or supersede federal law, including rules and regulations of the Federal Aviation Administration, but a local legislative body may adopt more restrictive policies than those specified in state law on the acquisition, use, or retention of unmanned aircraft systems.

An individual who has been harmed by a violation of this title may bring a civil action in any court of competent jurisdiction against a person who knowingly caused that violation.

Status – *September 1st – Read second time and amended. Ordered to third reading. September 4th – Read third time and amended. Ordered to second reading. September 8th – Read second time. Ordered to third reading. September 8th – Ordered to inactive file at the request of Senator Hertzberg.*

* Inactive file – Legislation that is ready for floor consideration, but, for a variety of reasons, is dormant. Once a bill is on the inactive file, one day’s public notice is needed to place it back on the agenda.

SB 142, Senate Member Jackson, District 19 – (Civil Code) and (Public Utilities Code): Unmanned Aerial Vehicles (UAV)

Existing law imposes liability for physical invasion of privacy, if a person enters onto the land of another person pursuant to subdivision (a) of Section 1708.8 if he or she: operates an UAV below the navigable airspace overlaying real property; operates an UAV less than 350 feet above ground level within the airspace overlaying the real property; a person wrongfully occupies real property and is liable for damages, without permission. This bill shall not be construed to impair or limit any otherwise lawful activities of law enforcement personnel or employees of governmental agencies or other public or private entities that may have the right to enter land by operating a UAS pursuant to subdivision (d) of Section 1009.

This bill would also amend the Public Utilities Code (PUC) by adding an additional sentence in Section 21012: “Aircraft” shall not include an unmanned aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Status – Ordered to engrossing and enrolling; August 28th – Enrolled and presented to the Governor at 3:45 p.m. September 9th – Vetoed by the Governor. September 9th – In Senate. Consideration of Governor’s veto pending. *Governor Vetoed on September 9 2015.*

SB 167, as amended, Senate Member Gaines, District 1 – (Public Resources Code): Forest fires: interference: unmanned aircraft

Existing law makes it a misdemeanor to engage in disorderly conduct that delays or prevents a fire from being timely extinguished or to resist or interfere with the lawful efforts of a firefighter in the discharge of an official duty; also to impede police officers, firefighters, emergency personnel, or military personnel in the performance of their duties in coping with an emergency.

This bill would make it unlawful to knowingly, intentionally, or recklessly operate a UAS in a manner that prevents or delays the extinguishment of a fire or in any way interferes with the efforts of firefighters to control, contain, or extinguish a fire. This is punishable by imprisonment in a county jail not to exceed 6 months, by a fine not to exceed \$5,000 or both.

This bill would declare that it is to take effect immediately as an urgency statute.

Status – August 17th – From committee with author’s amendments. Read second time and amended. Re-referred to Committee on Rules; August 17th – Re-referred to Committee on Public Safety.

The Division was not requested to provide analysis for this bill, since it deals primarily with CalFire. (The Division is watching this bill progress and will include amendments.)

SB 168, as amended, Senate Members Gaines, District 1 and Jackson, District 19 – (Civil Code, Government Code and Penal Code): Unmanned Aircraft Systems

A public entity or public employee shall not be liable for any damage to an unmanned aircraft system, if the damage was caused while the public entity or public employee was providing, and the unmanned aircraft or unmanned aircraft system was interfering with, the operation, support, or enabling of any of the following emergency services:

- (a) Emergency medical services or ambulance transport services, including air ambulance.

- (b) Firefighting or firefighting-related services, including, but not limited to air services related to firefighting.
- (c) Search and rescue services, including, but not limited to, air search and rescue services.

It is unlawful to knowingly, intentionally, or recklessly operate an UAS in a manner that prevents or delays the extinguishment of a fire or in any way interferes with the efforts of firefighters to control, contain, or extinguish a fire, including efforts to extinguish the fire from the air. A violation is punishable by imprisonment and fine not to exceed \$5,000.

For purposes of this section, “recklessly” means a person is aware of and consciously disregards a substantial and unjustifiable risk that his or her act will prevent or delay the extinguishment of a fire, or in any way interfere with the efforts to control or extinguish a fire.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety and shall go into immediate effect.

Status – September 11th – Urgency clause adopted. Passed, ordered to the Senate; Sept. 11th – In Senate, with concurrence from Assembly; Assembly amendments concurred in (Ayes 40, Noes 0) Ordered to engrossing and enrolling. *September 17th, Enrolled and presented to the Governor at 4:45 p.m.*

SB 271, Senate Member Gaines, District 1 – (Penal Code): Unmanned Aircraft Systems (UAS)

This bill would make it an infraction to operate an unmanned aircraft system on or above the grounds of a public school providing instruction in kindergarten or grades 1 to 12 inclusive, during school hours and without written permission of the school principal or higher authority. It would also make it an infraction to capture public images of the public school grounds, during school hours and without written permission. School hours would be considered during school session, extracurricular activity, or event sponsored by or participated in by the school and the one-hour periods immediately preceding and following any session, activity or event.

This section does not apply to a publisher, editor, reporter or other person connected with or employed at the time that person operated the UAS unless a request that the person cease using an UAS at a public school building as made by the principal or designee of the principal.

This section does not apply to the operation of an UAS by law enforcement and does not apply to any entity for which the FAA has authorized the use of the UAS if the system is operated in accordance with the terms and conditions of the authorization.

This bill would provide for a warning upon a first conviction and a fine of no more than \$200 for the each subsequent violation of its provisions.

Status – September 3rd - Ordered to the Senate; Concurrence in Assembly, amendments pending. September 4th – Assembly amendments (Ayes 40, Noes 0.) Ordered to engrossing and enrolling. *September 10, 2015 – Enrolled and presented to the Governor at 3:00 p.m.*

AB 360, Assembly Member Melendez, District 67 – (PUC Code): Evaluation of Airports

Slightly modifies the language in the PUC Code under Section 21632 (a)-(g), Acquisition of Existing Facilities. The modifications are insignificant as presented, (minor word adjustments, i.e., replacing “prior to” for “before”, etc.) This bill reiterates the existing language in the PUC which explains the Division’s duties in evaluating the importance of an airport. This bill proposes to modify the duration of the comment period from the California Transportation Commission (CTC), from 45 days to 50 days.

Status – April 6th – Re-referred to Committee on Transportation; April 8th - In committee: Hearing postponed by committee.

SB 747, Senator McGuire, District 2 – (PUC Code): Relating to Airports – Financial Assistance: Grant Program

This bill would require the Department of Transportation to adopt and administer a grant program for the purpose of funding specified infrastructure projects to maintain and improve airport facilities and infrastructure owned or operated by a commercial service airport or general aviation airport.

Status – May 28th – Held in committee and under submission – dead.

AB – 1455, Assembly Members Rodriguez, District 52, and Gomez, District 51 – (PUC Code): An act to add Division 17.5 (Commencing with Section 175000) to the PUC, relating to Airports.

This bill would authorize the City of Ontario to issue revenue bonds for the purpose of financing the acquisition of the Ontario International Airport from the City of Los Angeles that are secured solely by the revenues and charges at the Ontario International Airport.

Status – June 30th – From Committee Chair, with author’s amendments: amend, and re-refer to committee. Read second time, amended, and re-referred to Committee on Governance and Finance. July 8th – In committee: Set, first hearing. Hearing cancelled at the request of author.