

Date of Hearing: April 18, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1662 (Chau) – As Amended March 3, 2016

SUBJECT: Unmanned aircraft systems: accident reporting

SUMMARY: Requires the operator of any unmanned aircraft system (UAS) involved in an accident resulting in injury to an individual or damage to property to perform certain duties. Specifically, **this bill:**

- 1) Requires the operator of the UAS to immediately land the aircraft at the nearest location that will not jeopardize the safety of others.
- 2) Requires the operator to present his or her valid identification and his or her name and current residence address to the injured individual.
- 3) Requires the operator to locate and notify the owner or person in charge of the damaged property of the name and address of the operator and, upon being requested to do so, present his or her valid identification and his or her name and current residence address to the other property owner or person in charge of the damaged property.
- 4) Requires the operator to leave a written notice in a conspicuous place on the damaged property giving the name and address of the operator and a statement of the circumstances of the accident and notify the police department or the sheriff's department of the jurisdiction where the damage occurred.
- 5) Makes a violation of these requirements a misdemeanor, punishable by up to 6 months in jail, a \$1,000 fine, or both.
- 6) Exempts from these requirements law enforcement and a UAS operated under specific authorization from the Federal Aviation Administration (FAA), in accordance with the terms and conditions of that authorization.
- 7) Defines "unmanned aircraft" and "unmanned aircraft system" consistent with federal law.

EXISTING LAW:

- 1) Vests FAA with the authority to regulate airspace use, management and efficiency, air traffic control, safety, navigational facilities, and aircraft noise.
- 2) Requires, under the federal FAA Modernization and Reform Act of 2012, FAA to plan for the safe integration of UAS operation into the national airspace system by September 30, 2015, and to develop and implement certification requirements for the operation of UASs in the national airspace system.
- 3) Requires the driver of any vehicle involved in an accident resulting in personal injury or death to stop the vehicle immediately at the scene of the accident and provide to the injured person and any law enforcement officer at the scene of the accident the following: his or her name and address; the name and address of any injured passenger; the registration number of

the vehicle; the name and address of the vehicle owner if different from the driver; and present identification, if requested. Requires the driver to render reasonable assistance to any person injured in the accident. Requires a person who violates these requirements and leaves the scene of an accident causing injury to be punished by imprisonment in jail or prison for up to 1 year, a fine of \$1,000 to \$10,000, or both. If the injury is permanent and serious or fatal, the penalty is imprisonment in prison for 2 to 4 years, in jail for between 90 days and 1 year, a fine of \$1,000 to \$10,000, or both imprisonment and the fine.

- 4) Requires the driver of any vehicle involved in an accident resulting only in property damage to stop the vehicle immediately at the nearest location that will not impede traffic or jeopardize safety and do the following: locate and notify the owner of the property; provide his or her name and address; and present identification, if requested. If the property owner cannot be found, then the driver must leave a note on the damaged property with his or her name and address along with a statement of the circumstances of the accident, and notify the police. A violation of these requirements is a misdemeanor, punishable by up to 6 months in jail, a \$1,000 fine, or both.
- 5) Requires a person who parks and leaves a vehicle which then becomes a runaway vehicle involved in an accident causing property damage to follow the same provisions that apply to other vehicle accidents causing property damage.
- 6) Requires the driver of any vehicle except a common carrier vehicle involved in an accident resulting in personal injury or death to report the accident to the police within 24 hours.

FISCAL EFFECT: Unknown

COMMENTS: Existing federal law vests FAA with the authority to regulate airspace in all states. In 2012, FAA was required by Congress to plan for the safe integration of UAS operation into the national airspace system by September 30, 2015, and to develop and implement certification requirements for the operation of UASs in the national airspace system.

A UAS includes both an unmanned aircraft, commonly referred to as a drone, and all of the associated support equipment, control stations, data links, telemetry, and communications and navigation equipment necessary to operate the unmanned aircraft. A UAS can be flown either by a pilot via a ground control system or autonomously through use of an on-board computer.

AB 1662 would require the operator of a UAS involved in an accident to land the vehicle and provide specified information to other parties involved in the accident, consistent with the current requirements placed on a driver involved in a motor vehicle accident. The requirements and penalties associated with this bill mirror existing statutes relating to hit-and-run accidents, such as the requirement to leave a note with identifying information if the accident results only in property damage.

According to the author, there is a need for clear rules to protect public safety as more drones enter the skies, as UASs have the potential to cause personal injury and property damage if systems fail or operators use them irresponsibly. The author states that drones are just as capable as cars are of causing personal injury and property damage when they fall out of the sky or hover too close to people.

Unmanned aircraft systems are widely available to the public, and retail systems outfitted with cameras now range from roughly \$300 to \$1,500. The FAA estimates that nearly one million UASs were sold during the December 2015 holiday season.

In anticipation of the influx of UAS in the skies, the FAA issued new rules in 2015 requiring any UAS weighing between one half pound and 55 pounds, including payloads such as on-board cameras, to be registered with the FAA by February 19, 2016. UAS owners must be at least 13 years old to register and must provide their name, home address, and email address. Upon registration under this requirement, UAS owners receive a Certificate of Aircraft Registration/Proof of Ownership along with a unique identification number, which must be marked or affixed to the unmanned aircraft. This unique identifier can then be used to look up the UAS owner in the event of an accident. These registration rules apply only to “model aircraft,” i.e., recreational UASs not used for any commercial purpose. The FAA is currently in the process of adopting rules regulating the use of commercial UASs, which currently may only be authorized by the FAA on a case-by-case. According to FAA Administrator Michael Huerta, the FAA now has more than 400,000 UAS registrants in the model aircraft category, which surpasses the 320,000 piloted airplanes currently registered with the FAA.

While there is little existing law at the state level governing the use of UAS, it is unclear what effect upcoming FAA regulations will have on California’s ability to regulate drones. Once the FAA has finished promulgating regulations, a future court may find that those regulations preempt certain state laws. The FAA recently issued a document on state and local regulation of UASs, and stated that laws traditionally related to state and local police power – including land use, zoning, privacy, trespass, and law enforcement operations – generally are not subject to federal regulation.

This bill would appear to fall within the police power, because it establishes safety and accident reporting standards to help law enforcement resolve personal injury and property damage accidents involving drones. As such, the likelihood of federal preemption of this bill could be minimal.

Double referral: This bill passed out of the Assembly Privacy and Consumer Protection Committee on April 5, 2016, with an 11-0 vote.

Related legislation: AB 1680 (Rodriguez), makes it a misdemeanor to operate a UAS in a way that interferes with first responders. AB 1680 is currently on Assembly Third Reading.

AB 1724 (Waldron), establishes identification marking requirements for certain unmanned aircraft operated in California. AB 1724 is awaiting a hearing in the Assembly Privacy and Consumer Protection Committee.

AB 2724 (Gatto), requires UAS makers to include with the UAS a copy of FAA safety regulations, and if the UAS is required to be registered with the FAA, a notice of the registration requirement. AB 2724 also requires a UAS with GPS technology to be outfitted with a geofencing feature and requires UAS owners to have adequate liability insurance. AB 2724 is awaiting a hearing in the Assembly Privacy and Consumer Protection Committee.

SB 810 (Gaines), increases fines for UAS interference with firefighting activities. SB 810 is awaiting a hearing in the Senate Public Safety Committee.

SB 868 (Jackson), establishes the State Remote Piloted Aircraft Act containing numerous UAS regulations. SB 868 is scheduled to be heard in the Senate Public Safety Committee on April 19, 2016.

Previous legislation: AB 14 (Waldron, 2015), would have established identification marking requirements for certain unmanned aircraft operated in California. AB 14 was returned to the Chief Clerk by this committee pursuant to Joint Rule 56.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California Water Agencies
California Police Chiefs Association
DJI Technology
San Diego County Regional Airport Authority

Opposition

None on file

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