

Date of Hearing: July 8, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 648 (Chang) – As Amended June 27, 2019

**SENATE VOTE:** 38-0

**SUBJECT:** Unmanned aircraft systems: accident notification

**SUMMARY:** Requires the operator of an unmanned aircraft system (UAS), used solely for recreational purposes, that is involved in a collision to immediately land the UAS and provide certain information to the injured individual or property owner. Specifically, **this bill:**

- 1) Requires the operator of a UAS involved in an collision resulting in injury to an individual or damage to property to immediately land the UAS to the nearest location that will not jeopardize the safety of others and do one of the following:
  - a) Provide their valid identification, name, current residence address, phone number, and email address to the injured individual.
  - b) Locate and notify the owner or person in charge of that property of the name and address of the operator of the UAS involved and, upon locating the owner or person in charge of the damaged property and being requested to do so, present their valid identification, as provided above.
  - c) Leave in a conspicuous place on the damaged property a written notice giving the name, address, phone number, and email address of the UAS operator.
- 2) Provides that a violation of this requirement is an infraction punishable by a fine of not more than \$250.
- 3) Define various terms for these purposes, including “unmanned aircraft,” “unmanned aircraft system,” and “valid identification.”
- 4) Exempts a person operating a UAS for commercial purposes from these provisions.

**EXISTING LAW:**

- 1) Requires the driver of any vehicle involved in an accident resulting in property damage, injury, or death to stop the vehicle at the nearest location that will not impede traffic or otherwise jeopardize the safety of other motorists and do either of the following:
  - a) Locate and notify the owner or person in charge of the property of the name and address of the driver and owner of the vehicle involved and, if requested, present their driver’s license, and vehicle registration, to the other driver, property owner, or person in charge of that driver, or
  - b) Leave in a conspicuous place on the vehicle or other property damages a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances, and notify law enforcement of the collision.

- c) If the collision resulted in an injury or death, the driver has the additional duty to render to any person injured in the accident reasonable assistance, including transporting, or making arrangements for transporting, any injured person to a physician, surgeon, or hospital.
- 2) Provides that a failure to comply with the above provisions shall result in a misdemeanor punishable up to six months and a \$1000 fine if only property damage occurs, a misdemeanor up to one year and a \$1000 to \$10,000 fine if there is a minor injury; and a felony up to 2, 3 or 4 years and a \$1000 to \$10,000 fine if a death occurs, with an additional penalty of 5 years if the individual was intoxicated.
- 3) Requires, under the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012, FAA to integrate UAS into the national airspace system by September 30, 2015, and to develop and implement certification requirements for the operation of UAS in the national airspace system by December 31, 2015.
- 4) Requires registration of an aircraft in order to operate it within the United States with the FAA.
- 5) Requires a UAS operator to submit registration to the Administrator of the FAA or to anyone with delegated authority to enforce the Administration's regulations.
- 6) Defines an "unmanned aircraft" as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.
- 7) Defines an "unmanned aircraft system" as an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.
- 8) Makes it a misdemeanor to use an unmanned aircraft to impede the duties of emergency personnel at the scene of an emergency.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:** According to the Economist Magazine, "To most people a drone is one of two very different kinds of pilotless aircraft: a toy or a weapon. It is either a small, insect-like device that can sometimes be seen buzzing around in parks or on beaches, or a large military aircraft that deals death from the skies, allowing operators in Nevada to fire missiles at terrorist suspects in Syria. The first category, recreational drones aimed at consumers, are the more numerous by far; around 2 million were sold around the world last year (2016). The second category, military drones, account for the vast majority (nearly 90%) of worldwide spending on drones. But after a pivotal year for the civilian drone industry, an interesting space is now opening up in the middle as drones start to be put to a range of commercial uses."

The drone industry has been growing. Business Insider, an American Financial and business news website, estimates the sales of UAS, more commonly referred to as drones, to surpass \$12

billion in 2021, including the sale of 29 million recreational drones and 805,000 commercial-use drones, which can be used for surveying land, making deliveries, or even light shows to mimic fireworks.

In 2012, Congress passed the FAA Modernization and Reform Act, which required the FAA to establish a framework for accelerating the safe integration of UAS into the national airspace by September 30, 2015, and authorized the FAA to establish interim requirements for the commercial operation of UAS. The FAA Reauthorization Act of 2018 further directed FAA to authorize drone deliveries by October 2019, to apply greater oversight over recreational drone operators, and to prioritize rulemaking on expanded operations of small UAS.

According to the author, “Under California law, motor vehicle drivers are required to stop and provide identification and contact information if they are involved in a car accident that causes injury and/or property damage. SB 648 applies the same principles to drones by promoting owner responsibility and protecting public safety. Drone operators who are involved in an accident that results in personal injury or property damage, would be required to immediately land the drone at the nearest location and to provide valid identification and their name, current residence address, phone number and email address to the injured individual or the owner of the damaged property.”

The City of Chino Hills, writing in support of this bill, argues “UAS have become more prevalent in the City of Chino Hills for a variety of reasons, either for personal or commercial use. The FAA projects that there will be an increase of recreational drones from an estimated 1.1 million in 2017 to 2.4 million by 2022. Although the increase in drone ownership and usage can be beneficial to the national economy, drones that are irresponsibly operated can cause property damage or personal injury. Owners and operators of drones or UAS have repeatedly caused property damage to the BAPS Shri Swaminarayan Mandir and surrounding facilities in Chino Hills, and have refused to accept responsibility. Because drones have the potential to cause personal injury or property damage, it is very important to identify the responsible party who caused the accident.”

Since 1959, California has made it a crime to leave the scene of a vehicle collision that results in property damage, injury or death (commonly referred to as a “hit-and-run”). When such an accident occurs, an individual has a duty to move the vehicle, if possible, to a safe location, locate and notify the owner or person in charge of the property and, if requested, present them with a copy of their driver’s license and registration, and provide them with their address. If they cannot locate the owner, a driver is required to leave a written notice giving the name and address of the driver and of the owner of the vehicle, describe how the collision occurred, and notify the city police of the collision.

If someone is injured or killed, the individual has the additional duty to try to render aid, including transporting, or making arrangements for transporting the person to a physician, surgeon, or hospital for medical or surgical treatment.

This bill differs from the “hit-and-run” statute in several ways. First, it requires the person to leave their mailing address, phone number and email address, whereas the vehicle code only requires you to leave a mailing address. As a result, failing to provide an email and phone number could result in a crime under this bill.

Further, unlike the “hit-and-run” statute, this bill provides no requirement for a person to assist someone who was injured or killed.

Finally, the “hit-and-run” statute creates a misdemeanor and fine up to \$1,000 if there is property damage or minor injury. The vehicle code makes it a felony punishable up to two, three or four years if the collision resulted in someone getting killed or caused permanent, serious injury (regardless of who is at fault for the collision). This bill only provides for a maximum of \$250 penalty, even if someone is killed.

In Assembly Privacy and Consumer Protection Committee, the author amended this bill to limit its application to UAS used for recreational purposes only. This was in response to opposition from the Association for Unmanned Vehicle Systems International and Computing Technology Association, which argued that federal law already created a reporting requirement, and that this bill is duplicative of federal law.

As a result of making that amendment, the California Teamsters are now in opposition to this bill. They argue that “while we do not necessarily disagree in spirit with the original intent of SB 648, we are opposed to the most recent amendments which create a statutory exemption for commercial drone use. The California Teamsters represent hundreds of thousands of commercial drivers across the state. Our members are not exempted from Vehicle Code 20002, which governs “hit and run” rules for good reason. The same logic applies to commercial drone operators.”

This bill is substantially similar to AB 1662 (Chau, 2016) which would have required UAS operators to remain at the scene of an accident and provide their name and address along with valid identification to the victim and the police. That bill was ultimately vetoed by Governor Brown who wrote:

“This bill requires hobbyist drone operators to provide, at the scene of an accident caused by their drone, their name and home address along with valid identification. Rather than creating a new misdemeanor crime, I believe it would be fairer and more effective to explore a more comprehensive approach that takes into account federal regulations on this subject. Piecemeal is not the way to go.”

*Committee concerns.* Hit-and-runs have been difficult to prove. In 2017, the Los Angeles Police Department was only able to identify a suspect in 8% of all reported hit-and-runs in the city. Prosecutors filed charges in 73% of cases. Hit-and-runs have been difficult to solve because of the inability to identify the driver.

Unlike a car, UAS are not generally recognizable by make and model by the general public. While the FAA requires individuals who register their UAS to write a registration number on the UAS, there is no requirement that the number be visible from a distance. Identifying the suspect from the new crime created by this bill may be next to impossible for law enforcement to solve.

While there are tens of thousands of vehicle related deaths a year and several thousand “hit-and-runs” that result in fatalities, there currently is not any statistical information on collisions with UAS to justify extending the “hit-and-run” statute to what amounts to a toy.

It is unclear why the Legislature should criminalize the behavior of a 13 year old playing with a drone who causes damage to someone’s property and fails to leave a note, while exempting

multi-billion dollar companies who may begin using UAS for delivery services in the near future (Wings, a division of Google, has recently received a license to make deliveries using UAS).

While the penalty for the crime created for this bill is an infraction up to \$250, because this bill is an infraction, an individual could face misdemeanor charges for failing to appear in court.

The opposition to the original bill was correct that there is a federal requirement to report an accident, but that reporting requirement is to the FAA for property damage more than \$500, and not to the individual whose property was damaged, which is the purpose of this bill. The purpose of the FAA reporting provision is for licensing, similar to the requirement that all vehicle collisions be reported to the Department of Motor Vehicles in order to determine if a negligent operator point should be assessed to the driver.

Applying this bill to commercial UAS, on the other hand, could cause other practical problems (problems that may soon exist for passenger cars as well). Right now federal law requires the operator of a UAS to be within the line of sight of the UAS. However, the recent approval of Wings to make deliveries under the regulations established for commercial flights raises other practical concerns, as the UAS operated by Wings is self-driving. How does an automated UAS potentially being operated from a control room in another state leave a note on someone's car? What happens if the FAA authorizes automated UAS for recreational use?

*Double referral:* This bill was double referred to the Assembly Privacy and Consumer Protection Committee, where it passed unanimously.

*Previous Legislation:* SB 807 (Gaines) Chapter 834, Statutes of 2016, provided local public entities, and public employees of local public entities, with immunity from civil liability for any damage to an unmanned aircraft or unmanned aircraft system if the damage was caused while the local public entity and employee was providing, and the unmanned aircraft system was interfering with, the operation, support, or enabling of specified emergency services.

AB 1662 (Chau, 2016) would have required the operator of any UAS involved in an accident resulting in injury to an individual or damage to property to perform certain duties. This bill was vetoed.

SB 868 (Jackson, 2016) would have established rules on where and how remote piloted aircraft (i.e., drones) may operate. This bill failed passage in the Assembly Privacy and Consumer Protection Committee.

AB 1820 (Quirk, 2016) would have Regulated the use of unmanned aircraft systems by law enforcement agencies. This bill failed passage in the Senate Judiciary Committee

AB 2148 (Holden, 2016) would have made it unlawful to operate an UAS in or over lands managed by the state Department of Parks and Recreation and Department of Fish and Wildlife and prohibits the use of drones to take, or assist in the take, of fish and wildlife, with specified exceptions. This bill was vetoed.

AB-2320 (Calderon and Low, 2016) included using an UAS in a number of statutes prohibiting behavior by an individual. This bill was vetoed.

AB 2724 (Gatto, 2016), would have requires specific information about federal flight regulations to be provided to purchasers of drones, drone operators to procure adequate protection against liability, and certain drones to be equipped with technology to avoid flying within five miles of an airport. This bill was vetoed.

**REGISTERED SUPPORT / OPPOSITION:****Support**

BAPS Swaminarayan Sanstha  
City of Chino Hills

**Opposition**

Teamsters

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