

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN ASSEMBLY MARCH 3, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1662

Introduced by Assembly Member Chau

January 13, 2016

An act to add Part 6.5 (commencing with Section 24455) to Division 9 of the Public Utilities Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1662, as amended, Chau. Unmanned aircraft systems: accident reporting.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of unmanned aircraft systems, commonly known as drones, into the national airspace system. Existing federal law requires the operator of an unmanned aircraft system to immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board office when, among other things, an aircraft accident, as defined, or certain serious incidents occur. Those notifications are required to include, among other things, the name of the owner of the unmanned aircraft system, the name of the operator of the unmanned aircraft system, the date and time of the accident, and the nature of the accident.

Existing state law requires the driver of a vehicle involved in an accident resulting in injury to any person, other than himself or herself, or in the death of any person, to immediately stop the vehicle at the scene of the accident and provide certain information and render

assistance, as necessary, to the driver and occupants of the other vehicle and provide the specified information to any traffic or police officer at the scene of the accident. A person who violates this requirement is guilty of a misdemeanor or a felony. Existing law requires the driver of a vehicle involved in an accident resulting only in damage to any property, including vehicles, to immediately stop the vehicle at the nearest location that will not impede traffic or otherwise jeopardize the safety of other motorists and provide certain information to the owner or person in charge of the damaged property or place that information in a conspicuous place on the damaged property. A person who violates this requirement is guilty of a misdemeanor.

This bill would ~~require~~ *require, except as specified*, the operator of any unmanned aircraft system involved in an accident resulting in injury to an individual or damage to property to immediately land the unmanned aircraft at the nearest location that will not jeopardize the safety of others and provide certain information to the injured individual or the owner or person in charge of the damaged property or place that information in a conspicuous place on the damaged property. The bill would make a person who violates these provisions guilty of *an infraction or a misdemeanor, as specified*. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

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

1 SECTION 1. Part 6.5 (commencing with Section 24455) is
 2 added to Division 9 of the Public Utilities Code, to read:

3

4 PART 6.5. UNMANNED AIRCRAFT SYSTEMS

5

6 24455. (a) The operator of any unmanned aircraft system
 7 involved in an accident resulting in injury to an individual or
 8 damage to property shall immediately land the unmanned aircraft
 9 at the nearest location that will not jeopardize the safety of others.

1 Moving the unmanned aircraft in accordance with this subdivision
2 does not affect the question of fault. The operator shall also
3 immediately do one of the following:

4 (1) Present his or her valid identification, if he or she has that
5 identification, and his or her name and current residence address
6 to the injured individual. For purposes of this section, “valid
7 identification” includes, but is not limited to, a driver’s license, a
8 state-issued identification card, or a passport.

9 (2) Locate and notify the owner or person in charge of that
10 property of the name and address of the operator of the unmanned
11 aircraft system involved and, upon locating the owner or person
12 in charge of the damaged property and being requested to do so,
13 present his or her valid identification, if he or she has that
14 identification, and his or her name and current residence address
15 to the other property owner or person in charge of the damaged
16 property.

17 (3) Leave in a conspicuous place on the damaged property a
18 written notice giving the name and address of the operator of the
19 unmanned aircraft system involved and a statement of the
20 circumstances of the accident and, without unnecessary delay,
21 notify the police department of the city where the damage occurred
22 or, if the damage occurred in unincorporated territory, the local
23 headquarters of the sheriff’s department of the county where the
24 damage occurred.

25 *(b) The operator shall also provide the name and address of*
26 *his or her employer or his or her place of business if he or she is*
27 *the commercial operator of the unmanned aircraft system in the*
28 *same manner as specified in paragraph (1), (2), or (3) of*
29 *subdivision (a).*

30 ~~(b) Except as provided in subdivision (c), a~~

31 (c) A person who fails to comply with the requirements of this
32 section is guilty of *an infraction punishable by a fine of not more*
33 *than two hundred fifty dollars (\$250), or a misdemeanor,*
34 *punishable by imprisonment in the county jail not exceeding six*
35 *months, or by a fine not exceeding one thousand dollars (\$1,000),*
36 *or by both that imprisonment and fine.*

37 ~~(e) This section does not apply to either of the following:~~

38 ~~(1) A~~

39 *(d) (1) A law enforcement officer, or an employee of a police*
40 *department, fire department, fire protection district, or other law*

1 enforcement agency, operating an unmanned aircraft system within
2 the scope of his or her ~~employment~~. *employment shall comply with*
3 *this section unless landing the aircraft would interfere with the*
4 *officer’s or employee’s duties or would put individuals at risk of*
5 *further injury or property at risk of further damage.*

6 (2) A person operating an unmanned aircraft system ~~pursuant~~
7 ~~to the specific authorization of the Federal Aviation Administration~~
8 ~~if the person operates the unmanned aircraft system in accordance~~
9 ~~with the terms and conditions of that authorization~~. *as part of an*
10 *organized sport, league, or club shall comply with this section*
11 *only if the accident results in one or more of the following:*

- 12 (A) *Injury to an individual.*
- 13 (B) *Damage to property that was not operated for purposes of*
14 *the organized sport, league, or club.*
- 15 (C) *Damage to property that was not owned or controlled by a*
16 *participant or organizer of the sport, league, or club.*

17 ~~(d)~~
18 (3) *A person operating an unmanned aircraft system pursuant*
19 *to a current exemption, Certificate of Waiver, or authorization*
20 *issued pursuant to Section 333 or 334 of the FAA Modernization*
21 *and Reform Act of 2012 (Public Law 112-95 (Feb. 12, 2014) 126*
22 *Stat. 11, 75-76.), or other commercial operator authorization*
23 *granted by the Federal Aviation Administration, shall comply with*
24 *this section, unless the notification prescribed in this section is*
25 *expressly preempted by federal law or regulation.*

26 (e) For purposes of this section, the following definitions apply:

27 (1) “Unmanned aircraft” means an aircraft that is operated
28 without the possibility of direct human intervention from within
29 or on the aircraft.

30 (2) “Unmanned aircraft system” means an unmanned aircraft
31 and associated elements, including, but not limited to,
32 communication links and the components that control the
33 unmanned aircraft that are required for the pilot in command to
34 operate safely and efficiently in the national airspace system.

35 SEC. 2. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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