



Senate Bill 370

Unmanned Aircraft Systems Research, Development, Regulation, and Privacy Act of 2015

MACo Position: **OPPOSE**

To: Environment and Transportation Committee

Date: April 2, 2015

From: Robin Clark

The Maryland Association of Counties **OPPOSES** SB 370. This bill provides that only the State may enact a law to prohibit, restrict, or regulate unmanned aircraft (or “drones”), specifically and permanently preempting any county or municipality laws to do the same. MACo believes this permanent preemption is premature in such a fast-changing area.

Regulation of governmental, commercial, and recreational use of unmanned aircraft systems is currently performed by the Federal Aviation Administration (FAA). This bill envisions a state working group to guide state policy regarding drones, and offers guidance for that group’s ongoing focus. MACo does not object to the formation of this group – only to the one immediate change in law made by the bill, a permanent moratorium on any local government action in this area.

The bill’s complete local preemption undermines a county government’s role in developing reasonable manner and use regulations as necessary to protect privacy rights. County governments should retain the right to regulate drone flight as part of the county role in assisting the FAA’s identification of unauthorized drone use, to protect sensitive facilities or areas, or to protect the privacy of residents. This bill eliminates that eventuality, regardless of how this industry grows.

This legislation may also deter a county’s own governmental uses of unmanned aircraft. Maryland county police and fire departments have begun exploring the use of unmanned aircraft for emergency response through application to the FAA for this specific governmental use. Counties rightfully seek to preserve their ability to develop these public safety programs and remain wary of a permanent preemption’s effect.

Maryland’s counties understand the interest of advocates in drawing an emerging industry associated with drones to Maryland and there are currently no local laws or regulations that would limit that industry in any way. Counties welcome the opportunity to join a statewide workgroup on the issue, but oppose the complete and permanent preemption of local authority in this fast-changing arena.

For these reasons, MACo urges an **UNFAVORABLE** report on SB 370.