

SENATE BILL REPORT

SHB 2836

As of March 2, 2020

Title: An act relating to establishing an unpiloted aircraft system state coordinator.

Brief Description: Establishing an unpiloted aircraft system state coordinator.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Lovick, Boehnke, Valdez, Gregerson, Ortiz-Self, Riccelli, Shewmake, Kloba, Mead, Doglio, Entenman, Tarleton, Hudgins, Ryu, Pettigrew, Thai, Morgan, Santos, Lekanoff, Slatter, Orwall, Davis, Sells, Goodman, Appleton, J. Johnson and Chopp).

Brief History: Passed House: 2/19/20, 98-0.

Committee Activity: Transportation: 2/27/20.

Brief Summary of Bill

- Provides that the director of the Aviation Division of the Washington State Department of Transportation (WSDOT) shall act as the unpiloted aircraft system coordinator, within amounts collected from commercial unpiloted aircraft systems registration fees.
- Requires that commercial unpiloted aircraft systems register with WSDOT and pay a \$15 annual fee.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Daniel Masterson (786-7454)

Background: Unmanned Aircraft Systems. Unmanned aircraft systems (drones) are aircraft without a human pilot on board. The flight is controlled either autonomously by computers, or under remote control by a pilot. The Federal Aviation Administration (FAA) has broad authority to regulate the use of airspace. In 2016, the FAA finalized the first rules governing the operation and certification of small civil unmanned aircraft under 55 pounds. In 2018, the FAA updated the rules for drones flown for recreational purposes, which are exempt from federal regulation if they meet certain criteria and are registered with the FAA.

Aviation Division. The Aviation Division within the Washington State Department of Transportation (WSDOT) is responsible for aircraft registration, aviation planning and

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administering small airport financial assistance programs. The division also coordinates UAS activities within WSDOT.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Striking Amendment): Provides that the director of the WSDOT Aviation Division, or the director's designee, shall act as the "unpiloted aircraft system" (UAS) coordinator within amounts collected from commercial unpiloted aircraft systems registration fees.

Commercial unpiloted aircraft systems must be registered with DOT and pay a \$15 annual fee.

The UAS coordinator's duties include:

- assisting with UAS training, certification, and continuing education for state agencies;
- coordinating with local governments on state and federal UAS policies and laws;
- acting as a state-level coordinator in times of emergency;
- coordinating with the FAA and state agencies on UAS safety and accident trends;
- identifying and disseminating information on UAS training sites;
- establishing and maintaining an UAS coordination website for state and local governments;
- assisting with the advancement of UAS's across the state in coordination with the Department of Commerce and the aerospace industry;
- acting as the principle advisor to the secretary on UAS matters; and
- undertaking other UAS coordination duties that are deemed appropriate by the Aviation Division director and the UAS coordinator including, but not limited to, overseeing UAS symposiums or other events for state agencies and other stakeholder groups.

WSDOT is required to adopt rules. Definitions are added for the "Aviation Division", "Commercial", and "UAS" in statute. A UAS must meet the same criteria and standards established by the FAA for an "unmanned aircraft system".

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 14, 2020.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on July 1, 2021.

Staff Summary of Public Testimony on Proposed Striking Amendment: PRO: This bill is an important step toward regulating drones in Washington state. As of January 2020, there are over 1.5 million drones registered with the FAA nationally. There are over 43,000 registered drones in Washington. The FAA expects that the commercial drone fleet will nearly triple by 2023. The FAA is currently working on rulemaking. Once these rules are complete, it is highly likely that we will see commercial drone use greatly expanded within our state. WSDOT supports the concept of a UAS coordinator. We think it is important that

the state take a proactive approach regarding drones and that the state remain competitive to capitalize on the use of the new technology. It is also important that the state has input into setting national policy. This bill is not intended to maintain authority of any other state or local agency, it is intended to help facilitate the policy conversation as well as help coordinate between state and local government and other partners. The aeronautics account is not able to absorb the costs associated with a UAS coordinator. AeroTEC supports HB 2836. We specialize in full service aircraft testing and certification. From all-electric aircraft to supersonic aircraft. Unmanned aerial vehicles are clearly part of our future and we must prepare ourselves to stay viable long term, both as a world class organization and as a progressive state. It is estimated that the industry could be worth \$80-100 billion by 2025. It took more than a year to find all of the organizations necessary to form a coordinated economic ecosystem in Washington. There was no one place to go to figure all of that out. There was an international symposium held in Chicago with nearly 10,000 attendees from around the world. Twenty-three different states and 12 counties attended, but Washington State was not there. If Washington is going to compete going forward, a state coordinator would be invaluable.

CON: We are not opposed to the underlying bill. We believe the proposed registration requirements is preempted by federal law. There has been litigation in past years on this issue. In *Singer vs. City of Newton*, a federal court threw out a local registration requirement. The concern with the registration requirement and fee is federal preemption. Drone policy in the US needs to be synchronized. We do not have a problem with the state coordinator.

Persons Testifying: PRO: Representative John Lovick, Prime Sponsor; Bob Griffiths, AeroTEC, Inc.; David Fleckenstein, WSDOT Aviation Director.

CON: Charlie Brown, Consumer Technology Association; Mike Ennis, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: No one.