Int. No. 235

By Council Members Brannan and Vallone

A Local Law to amend the administrative code of the city of New York, in relation to requiring the registration and insurance of unmanned aerial vehicles

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

CHAPTER 9

UNMANNED AERIAL VEHICLES

Subchapter 1

General Provisions

§ 19-9101 Definitions. As used in this chapter, the following terms have the following meanings unless otherwise expressly provided:

City airspace. The term "city airspace" means the airspace above the water, waterways and land within the jurisdiction of the city.

Lessee. The term "lessee" means a person that is entitled to possess a UAV pursuant to a lease agreement, conditional sales agreement or any similar agreement.

Operate. The term "operate" means to pilot, steer, direct, fly or manage a UAV in or through the air, whether from within the UAV or remotely. The term "operate" includes initiating or managing a computer

system that pilots, steers, directs, flies or manages a UAV.

Owner. The term "owner" means a person that holds legal title to a UAV.

Toy aircraft. The term "toy aircraft" means (a) a glider or hand-tossed UAV that is not designed for and is incapable of sustained flight or (b) a UAV that is capable of sustained flight and is controlled by means of a physical attachment such as a string or wire. The term "toy aircraft" does not include a radio-controlled UAV.

UAV. The term "UAV" is an acronym that means unmanned aerial vehicle.

UAV-related incident. The term "UAV-related incident" means a collision, accident or near miss involving one or more UAVs.

Unmanned aerial vehicle. The term "unmanned aerial vehicle" means a vehicle capable of flight without a human pilot on board that is operated either autonomously by computers or by an individual from outside the vehicle.

Subchapter 2

Registration and Insurance

§ 19-9201 Definitions.
§ 19-9202 Registration.
§ 19-9203 Fee.
§ 19-9204 Term.
§ 19-9205 Insurance.
§ 19-9206 Identification tag.
§ 19-9207 Exemptions.
§ 19-9208 Penalties.
§ 19-9209 Seizure.
§ 19-9210 Enforcement.
§ 19-9211 Rules.
§ 19-9212 Reporting.

§ 19-9201 Definitions. As used in this subchapter, the following term has the following meaning:

False identification tag. The term "false identification tag" means an identification tag that was not

issued by the department or that was issued by the department for a UAV other than the UAV to which it is affixed.

§ 19-9202 Registration. a. It is unlawful to operate a UAV in city airspace unless such UAV is registered with the department.

b. Each owner shall register, in the manner prescribed by the commissioner, each UAV belonging to such owner that will be operated in city airspace. Each owner shall provide the name, address and telephone number of the owner and, if applicable, the lessee of the UAV being registered and the make, model and serial number of such UAV. Each owner shall furnish proof of insurance as required by section 19-9205. Each owner also shall indicate whether such UAV has previously been registered with the department, including by a prior owner or lessee, and if so shall provide the unique number or other identifier assigned to such UAV by the commissioner pursuant to the previous registration. Where an owner is unable to provide the serial number of a UAV, the commissioner shall specify alternative identifying information that the owner shall provide to satisfy the requirements of this subdivision.

c. Within fourteen days of any change in the information provided to the department pursuant to this section, the owner of the UAV for which such information has changed shall report such change to the department in a manner prescribed by the commissioner.

d. Each owner seeking to renew a registration pursuant to this section shall submit a new registration form under subdivision b of this section and shall meet all other requirements for a new UAV registration, except that the commissioner may specify a renewal fee that is different from the fee for a new registration and may permit an owner that renews a UAV registration to use the same identification tag that was issued with the original registration pursuant to section 19-9206 where such identification tag is in good condition.

§ 19-9203 Fee. An owner registering a UAV shall pay a fee, as prescribed by the commissioner. The commissioner may prescribe a renewal fee that is different from the fee for a new registration.

§ 19-9204 Term. A registration pursuant to this subchapter is valid for two years.

§ 19-9205 Insurance. a. It is unlawful to operate a UAV in city airspace unless such UAV is insured under a policy of liability insurance that insures the owner, any lessee and any operator of the UAV and provides, at minimum, the following protection:

1. For personal injury or death of one person, one hundred thousand dollars ($100,000);

2. For personal injury or death to more than one person in one accident, three hundred thousand dollars ($300,000), with a maximum of one hundred thousand dollars ($100,000) for each person; and

3. For property damage, fifty thousand dollars ($50,000).

b. Each policy of liability insurance maintained pursuant to this section shall name the city as an insured party.

c. Each UAV owner or lessee shall notify the commissioner of any modification, amendment, cancelation or substitution of an insurance policy required by this section within fourteen days of the date of the notice to the UAV owner or lessee of such modification, amendment, cancelation or substitution.

§ 19-9206 Identification tag. a. It is unlawful to operate a UAV in city airspace unless a valid identification tag issued by the department is duly affixed to such UAV.

b. Within fifteen days after receiving a completed UAV registration form, the commissioner shall issue an identification tag containing a unique number or other identifier for the registered UAV, which the commissioner shall record on such UAV's registration form. Each such tag shall be made of a lightweight, tamper-proof and weatherproof material and shall be proportional in size to the UAV for which it is issued. The commissioner shall prescribe further specifications regarding the material, form, design and dimensions for each such tag.

c. The identification tag shall be affixed securely to a conspicuous and permanent part of the UAV for

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which it is issued.

d. A person may not transfer an identification tag to another person unless:

1. The identification tag is transferred with the corresponding UAV as part of a transfer of ownership or lease of the UAV;

2. The subsequent owner or lessee duly updates the UAV registration; and

3. The commissioner approves the use of the same identification tag for the UAV.

e. It is unlawful to affix a false identification tag to a UAV.

§ 19-9207 Exemptions. The following are exempt from the requirements of this subchapter:

a. Toy aircraft.

b. UAVs that are transported within the city but are not operated in city airspace.

c. UAVs that are air carriers pursuant to section 40102 of title 49 of the United States code.

§ 19-9208 Penalties. a. A person who operates a UAV that is required to be registered pursuant to this subchapter and is not so registered shall be liable for a civil penalty of two hundred fifty dollars ($250) for a first violation and seven hundred fifty dollars ($750) for each subsequent violation.

b. A person who operates a UAV without a registration tag affixed, if such a tag is required by this subchapter to be affixed to such UAV, shall be liable for a civil penalty of one hundred dollars ($100) for a first violation and three hundred dollars ($300) for each subsequent violation.

c. A person who knowingly affixes a false identification tag to a UAV shall be liable for a civil penalty of between three hundred dollars ($300) and five hundred dollars ($500) for a first violation, between five hundred dollars ($500) and one thousand dollars ($1,000) for a second violation, and between one thousand dollars ($1,000) and five thousand dollars ($5,000) for each subsequent violation.

d. A person who knowingly submits false information to the department as part of a registration under

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this subchapter shall be liable for a civil penalty of between three hundred dollars ($300) and one thousand dollars ($1,000) for each form submitted by the person that contains false information.

e. A person who operates a UAV that is required to be insured pursuant to this subchapter and is not so insured shall be liable for a civil penalty of two hundred fifty dollars ($250) for a first violation and seven hundred fifty dollars ($750) for each subsequent violation.

f. The penalties set forth in this section shall be in addition to any other penalty imposed by law. Where this section provides a range of penalties for a violation, the commissioner shall determine the penalty to be imposed within such range.

§ 19-9209 Seizure. a. Any person authorized to enforce this subchapter may seize a UAV that is in violation of this subchapter. A UAV seized pursuant to this section shall be delivered into the custody of the department or another agency specified by the commissioner by rule. The commissioner shall hold a hearing to adjudicate the violation within five business days after the date of the seizure and shall render a decision within five business days after the conclusion of the hearing.

b. Where pursuant to such adjudication the commissioner finds no violation, the department shall release the UAV promptly upon written demand by the owner or lessee of the UAV.

c. Where pursuant to such adjudication the commissioner finds a violation of this subchapter, the department shall release the UAV upon payment by the owner of all applicable civil penalties and all reasonable costs of removal and storage.

d. The commissioner shall establish by rule the time within which UAVs that are not redeemed may be deemed abandoned and the procedures for their disposal.

e. Seizure of a UAV under this section, and any costs imposed incidentally to such seizure, shall be in addition to any other penalty or sanction provided for in section 19-8208.

§ 19-9210 Enforcement. The provisions of this subchapter and of rules and regulations promulgated

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pursuant to this subchapter may be enforced by any authorized officer or employee of the department, of the police department or of any other agency designated by the commissioner, or by any police or peace officer.

§ 19-9211 Rules. The commissioner may promulgate any rules and prescribe any forms necessary to carry out the provisions of this subchapter.

§ 19-9212 Reporting. a. The commissioner, in consultation with the police commissioner, shall submit one preliminary report and one final report to the mayor and the speaker of the council regarding the effectiveness of this subchapter and the rules promulgated thereunder at ensuring the safety of the public. The preliminary report shall be submitted no later than eight months after the effective date of the local law that added this subchapter and shall report information for the six-month period following the effective date of such local law. The final report shall be submitted no later than fourteen months after the effective date of the local law that added this subchapter and shall report information for the one-year period following the effective date of such local law.

b. Both the preliminary and final reports shall include the following information:

1. the number of UAV registrations;

2. the estimated rate of compliance with this subchapter;

3. the number of adjudications and seizures conducted pursuant to this subchapter;

4. the dollar amount of penalties imposed pursuant to this subchapter, disaggregated by violation;

5. the dollar amount of penalties imposed pursuant to this subchapter that were collected;

6. the number of UAV-related incidents occurring after the effective date of the local law that added this section;

7. whether such incidents involved fatalities, personal injuries or property damage; and

8. whether or not UAVs involved in such incidents were registered as required by this subchapter.

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§ 2. The commissioner of transportation shall take measures to make the public aware of the requirements of this this local law before it takes effect.

§ 3. This local law takes effect 120 days after it becomes law, except that before such date the commissioner of transportation may take any actions necessary for its implementation, including the promulgation of rules and processing of applications. Section 19-9212 of the administrative code of the city of New York, as added by section one of this local law, shall be deemed repealed fourteen months after such effective date.

GZ/wcj
LS #2584/Int. No. 614-2015
January 5, 2018
LS# 1193