

State of Wisconsin



2017 Assembly Bill 855

Date of enactment: April 16, 2018
Date of publication*: April 17, 2018

2017 WISCONSIN ACT 322

AN ACT *to renumber and amend* 114.105; *to amend* 114.04 and 175.55 (1) (a); and *to create* 114.105 (1), 114.105 (3) and 114.105 (4) (b) of the statutes; **relating to:** the operation and regulation of unmanned aircraft and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 114.04 of the statutes is amended to read:

114.04 Flying and landing, limitations. Subject to s. 114.105 (3) and 175.55, and except as provided in ss. 114.045 and 942.10, flight of or in aircraft or spacecraft over the lands and waters of this state is lawful, unless at such a low altitude as to intentionally interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous or damaging to persons or property lawfully on the land or water beneath. The landing of an aircraft or spacecraft on the lands or waters of another, without the person's consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or spacecraft or the aeronaut or astronaut shall be liable, as provided in s. 114.05.

SECTION 2. 114.105 of the statutes is renumbered 114.105 (2) and amended to read:

114.105 (2) ~~Any county, town, city or village~~ A political subdivision may adopt any ordinance in strict conformity with the provisions of this chapter and impose the same penalty for violation of any of its provisions except that such an ordinance shall under this subsection may

not provide for the suspension or revocation of pilot or aircraft licenses or certificates ~~and shall not provide for imprisonment except for failure to pay any fine which may be imposed.~~

~~(4) (a) No local authority shall~~ political subdivision may enact any ordinance governing aircraft or aeronautics or spacecraft or astronautics contrary to or inconsistent with the provisions of this chapter or federal law. ~~Every court in which a violation of such ordinance is prosecuted shall make a written report of any conviction (including bail or appearance money forfeiture) to the federal aviation administration.~~

SECTION 3. 114.105 (1) of the statutes is created to read:

114.105 (1) In this section:

(a) "Drone" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

(b) "Political subdivision" means a city, village, town, or county.

SECTION 4. 114.105 (3) of the statutes is created to read:

114.105 (3) A political subdivision may enact an ordinance limiting the use of drones by the political subdivision.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 5. 114.105 (4) (b) of the statutes is created to read:

114.105 (4) (b) Except as provided in sub. (3), no political subdivision may regulate the ownership or operation of a drone.

SECTION 6. 175.55 (1) (a) of the statutes is amended to read:

175.55 (1) (a) "Drone" means a powered, aerial vehi-

cle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely. A drone may be expendable or recoverable has the meaning given in s. 114.105 (1) (a).
