

2017 Regular Session

SENATE BILL NO. 69

BY SENATOR CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AIRCRAFT/AVIATION. Provides for the exclusive regulation of drones by the state. (gov sig)

1 AN ACT

2 To enact R.S. 2:2, relative to unmanned aircraft; to provide exclusive jurisdiction to the state
3 in the regulation of such systems; to preempt local ordinances, rules, regulations, and
4 codes; to provide for federal preemption; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 2:2 is hereby enacted to read as follows:

7 **§2:2. Regulation of unmanned aerial systems and unmanned aircraft systems;**
8 **preemption**

9 **A. Subject to the provisions of Subsection C of this Section and except**
10 **as otherwise provided by law:**

11 **(1) The state shall have exclusive jurisdiction to regulate all unmanned**
12 **aircraft systems and all unmanned aerial systems.**

13 **(2) State law shall supersede and preempt any rule, regulation, code, or**
14 **ordinance of any political subdivision or other unit of local government.**

15 **B. As used in this Section, the following phrases shall have the following**
16 **meanings:**

17 **(1) "Unmanned aerial system" means an unmanned aircraft and all**

1 associated support equipment, control station, data links, telemetry,
2 communications, and navigation equipment necessary to operate the unmanned
3 aircraft. The system may include drones, remote-controlled aircraft, unmanned
4 aircraft, or any other such aircraft that is controlled autonomously by computer
5 or remote control from the ground.

6 (2) "Unmanned aircraft system" means an unmanned, powered aircraft
7 that does not carry a human operator, can be autonomous or remotely piloted
8 or operated, and can be expendable or recoverable. "Unmanned aircraft
9 system" does not include any of the following:

10 (a) A satellite orbiting the earth.

11 (b) An unmanned aircraft system used by the federal government or a
12 person who is acting pursuant to contract with the federal government to
13 conduct surveillance of specific activities.

14 (c) An unmanned aircraft system used by the state government or a
15 person who is acting pursuant to a contract with the state government to
16 conduct surveillance of specific activities.

17 (d) An unmanned aircraft system used by a local government law
18 enforcement agency or fire department.

19 (e) An unmanned aircraft system used by a person, affiliate, employee,
20 agent, or contractor of any business that is regulated by the Louisiana Public
21 Service Commission, while acting in the course and scope of his employment or
22 agency relating to the operation, repair, or maintenance of a facility, servitude,
23 or any property located on the immovable property belonging to such business.

24 (f) An unmanned aircraft system used by a person, affiliate, employee,
25 agent, or contractor of any business that is regulated by a local franchising
26 authority, while acting in the course and scope of his employment or agency
27 relating to the operation, repair, or maintenance of a facility, servitude, or any
28 property located on the immovable property belonging to such business.

29 (g) An unmanned aircraft system used by a person, affiliate, employee,

- (2) "Unmanned aircraft system" means an unmanned, powered aircraft that does not carry a human operator, can be autonomous or remotely piloted or operated, and can be expendable or recoverable. "Unmanned aircraft system" does not include any of the following:
- (a) A satellite orbiting the earth.
 - (b) An unmanned aircraft system used by the federal government or a person who is acting pursuant to contract with the federal government to conduct surveillance of specific activities.
 - (c) An unmanned aircraft system used by the state government or a person who is acting pursuant to a contract with the state government to conduct surveillance of specific activities.
 - (d) An unmanned aircraft system used by a local government law enforcement agency or fire department.
 - (e) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by the La. Public Service Commission, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property belonging to such business.
 - (f) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by a local franchising authority, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property belonging to such business.
 - (g) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by the Federal Communications Commission under the Cable Television Consumer Protection and Competition Act of 1992 or under Part 73 of Title 47 of the U.S. Code of Federal Regulations, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property belonging to such business.
 - (h) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of a municipal or public utility while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property belonging to such municipal or public utility.

Proposed law provides that if federal law or regulation preempts any provision of proposed law, then that provision is null.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 2:2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Excludes from definition of "unmanned aircraft system" an unmanned aircraft system used, under certain circumstances, by a person, affiliate, employee, agent, or contractor of any business that is regulated by the FCC under Part 73 of Title 47 of the U.S. Code of Federal Regulations.