

2021 Regular Session

HOUSE BILL NO. 587

BY REPRESENTATIVE ROBERT OWEN

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

AIRCRAFT/AVIATION: Provides relative to the regulation of unmanned aerial and aircrafts systems and the Louisiana Drone Advisory Committee

1 AN ACT

2 To amend and reenact R.S. 2:2(A)(2) and to enact R.S. 2:2(A)(3) and (4) and R.S. 2:2.1,  
3 relative to unmanned aerial and aircrafts systems; to provide for the regulation of all  
4 unmanned aircraft systems and all unmanned aerial systems; to create the Louisiana  
5 Drone Advisory Committee; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 2:2(A)(2) is hereby amended and reenacted and R.S. 2:2(A)(3) and  
8 (4) and R.S. 2:2.1 are hereby enacted to read as follows:

9 §2. Regulation of unmanned aerial systems and unmanned aircraft systems;  
10 preemption

11 A. Subject to the provisions of Subsection C of this Section and except as  
12 otherwise provided by law:

13 \* \* \*

14 (2) State law shall supersede and preempt any rule, regulation, code, or  
15 ordinance of any political subdivision or other unit of local government except as  
16 provided for in Paragraph (4) in this Subsection.

17 (3) Flight by an unmanned aerial system over the lands and waters of  
18 Louisiana is lawful, unless at such a low altitude as to interfere with the then existing  
19 use of the land or water, or the space over the land or water, or unless so conducted

1 as to be injurious to the health and happiness, or imminently dangerous to persons  
2 or property lawfully on the land or water beneath. The landing of an unmanned  
3 aerial system on the lands or waters of another, without his consent, is unlawful,  
4 except in the case of a forced landing. However, the owner or lessee of the  
5 unmanned aerial system shall be liable for damages caused by a forced landing.

6 (4) Any political subdivision, including the state of Louisiana, holding the  
7 easement or servitude or owning a street or highway may lease the space above or  
8 below that street or highway for private purposes, including for use by an unmanned  
9 aerial system, for such period as the governing body determines the space will not  
10 be needed for public purposes, and upon other terms and conditions the governing  
11 body finds to be in the public interest. Before leasing the space, the governing body  
12 shall determine that the use of the space will not unreasonably interfere with the  
13 public use and utility use of the street or highway. Notwithstanding R.S. 33:4712,  
14 the governing body shall notify the property owners abutting the space proposed to  
15 be leased under this section through a post on its website and a posting in  
16 non-electronic news source in that area. It shall further give them an opportunity to  
17 be heard with respect to the proposed leasing. Lease of space above or below a street  
18 or highway for private purposes shall not affect prior dedication or grant of the area  
19 for street or highway purposes.

20 \* \* \*

21 §2.1. Louisiana Drone Advisory Committee

22 A. There is hereby created within the Louisiana Department of  
23 Transportation and Development the Louisiana Drone Advisory Committee.

24 B.(1) The secretary of Department of Transportation and Development shall  
25 create the Louisiana Drone Advisory Committee and it shall be comprised of twenty  
26 one members. The members shall be selected by the following individuals as means  
27 of representing a diverse set of stakeholders involved with the deployment and  
28 advancement of drone technologies in the state. The committee shall provide  
29 recommendations to the secretary of Department Transportation and Development

1 as well as both the House Committee on Transportation, Highways, and Public  
2 Works and the Senate Committee of Transportation, Highways, and Public Works  
3 on policy and regulatory issues related to the adoption of drone technologies.

4 (2) The members shall be appointed by the following groups or individuals:

5 (a) One member selected by the governor.

6 (b) One member selected by the chairman of the Senate Committee of  
7 Transportation, Highways and Public Works.

8 (c) One member selected by the chairman of the House Committee of  
9 Transportation, Highways and Public Works.

10 (d) One member selected by the chairman of the House Committee of  
11 Municipal, Parochial and Cultural Affairs.

12 (e) One member from the Senate Committee of Local and Municipal Affairs.

13 (f) One member selected by the Department of Natural Resources.

14 (g) One member selected by the Department of Transportation and  
15 Development.

16 (h) One member from the Department of Agriculture and Forestry appointed  
17 by the commissioner of the Department of Agriculture and Forestry.

18 (i) One member from Coastal Protection and Restoration Authority  
19 appointed by the executive director of the Coastal Protection and Restoration  
20 Authority.

21 (j) One member from the Louisiana Farm Bureau Federation appointed by  
22 the president of the Louisiana Farm Bureau Federation.

23 (k) One member from the DRONERESPONDERS Public Safety Alliance  
24 appointed by the director of the DRONERESPONDERS Public Safety Alliance.

25 (l) One member from Louisiana Society of Professional Surveyors appointed  
26 by the president of the Louisiana Society of Professional Surveyors.

27 (m) One member from Louisiana Mid-Continent Oil and Gas Association  
28 appointed by the board of directors of the Louisiana Mid-Continent Oil and Gas  
29 Association.

1           (n) One member from the Louisiana Oil and Gas Association appointed by  
2           the board of directors of the Louisiana Oil and Gas Association.

3           (o) One member from Louisiana Airport Managers and Associates  
4           appointed by the president of the Louisiana Airport Managers and Associates.

5           C. The Louisiana Drone Advisory Committee shall meet at least four times  
6           a year starting in August of 2021. Appointments to the committee shall be made no  
7           later than July 31, 2021. The term of the appointments shall cease at the end of the  
8           2022 Regular Session, at which time new appointments shall be made and end after  
9           the next two regular sessions. If a member resigns from the committee, the member  
10           shall be replaced by the individual responsible for their nomination.

11           D. The members of the Louisiana Drone Advisory Committee shall serve  
12           without compensation except for a per diem as funded by the state for any easement  
13           granted for unmanned aircraft system rights of way. Otherwise the functions of the  
14           committee shall be funded by the Department of Transportation and Development.

15           E. The Department of Transportation Department of Transportation and  
16           Development shall have the power to enter any contract, execute any document or  
17           perform any act in order to carry out the provisions of this Act.

18           F. At least thirty days prior to the start of each legislative session, the  
19           committee shall issue a report detailing the state of the drone industry in Louisiana  
20           including any legal barriers drone operators face, approximately how many drone  
21           operators are operating in the state, any companies using drones for commercial  
22           purposes, the economic value of drone industry in the state, where Louisiana ranks  
23           in comparison to other states in its drone industry, what recent actions the Federal  
24           Aviation Administration has taken over the past year in regards to drones.

25           G. The Louisiana Drone Advisory Committee shall appoint one member to  
26           be a liaison with the Federal Aviation Administration to address any issues with  
27           federal, state and local laws.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 587 Original

2021 Regular Session

Robert Owen

**Abstract:** Modifies state law regulation of unmanned aerial systems and unmanned aircraft systems and establishes a new Louisiana Drone Advisory Committee.

Present law specifies the regulation of unmanned aerial systems and unmanned aircraft systems.

Proposed law retains present law and adds an exclusion to the regulation of unmanned aerial systems and unmanned aircraft systems as provided in proposed law.

Proposed law specifies that flying an unmanned aerial system over the lands and waters of Louisiana is lawful, unless it is operated at a low altitude causing interference or injury to persons or property; and it unlawful to land without consent unless by forced landing which the owner or lessee will be responsible for damages caused.

Proposed law specifies that the any political subdivision may lease space for private purposes pending the approval of the governing body. Requires the governing body to determine that the use of the space will not cause an unreasonable interference with the public use and utility use of the street and highway; and provides an opportunity for the political subdivision to be heard.

Proposed law specifies that the Louisiana Drone Advisory Committee is created within the Dept. of Transportation and Development (DOTD).

Proposed law requires the secretary of the DOTD to create the Louisiana Drone Advisory Committee; form a committee of twenty one diverse members involved with deployment and advancement of drone technologies; and requires the committee to provide recommendations to the secretary of the DOTD as well as both the House Committee on Transportation, Highways, and Public Works and the Senate Committee of Transportation, Highways, and Public Works on issues related to the adoption of drone technologies.

Proposed law specifies that the members will be appointed by the following groups or individuals:

- (1) One member selected by the governor.
- (2) One member selected by the chairman of the Senate Committee of Transportation, Highways and Public Works.
- (3) One member selected by the chairman of the House Committee of Transportation, Highways and Public Works.
- (4) One member selected by the chairman of the House Committee of Municipal, Parochial and Cultural Affairs.
- (5) One member from the Senate Committee of Local and Municipal Affairs.
- (6) One member selected by the Dept. of Natural Resources.
- (7) One member selected by the Dept. of Transportation and Development.

- (8) One member from the Dept. of Agriculture and Forestry appointed by the commissioner of the Dept. of Agriculture and Forestry.
- (9) One member from Coastal Protection and Restoration Authority appointed by the executive director of the Coastal Protection and Restoration Authority.
- (10) One member from the La. Farm Bureau Federation appointed by the president of the La. Farm Bureau Federation.
- (11) One member from the DRONERESPONDERS Public Safety Alliance appointed by the director of the DRONERESPONDERS Public Safety Alliance.
- (12) One member from La. Society of Professional Surveyors appointed by the president of the La. Society of Professional Surveyors.
- (13) One member from La. Mid-Continent Oil and Gas Association appointed by the board of directors of the La. Mid-Continent Oil and Gas Association.
- (14) One member from the La. Oil and Gas Association appointed by the board of directors of the La. Oil and Gas Association.
- (15) One member from La. Airport Managers and Associates appointed by the president of the La. Airport Managers and Associates.

Proposed law requires the Louisiana Drone Advisory Committee to meet at least four times a year starting in Aug. of 2021; appointments must be made no later than July 31, 2021; and must end at the completion of the 2022 Regular Session. It also requires replacement of a member resigning from the committee.

Proposed law requires the members of the La. Drone Advisory Committee to serve in an unpaid capacity unless for a per diem as funded by the state for any easement granted for unmanned aircraft system rights of way or otherwise funded by the DOTD.

Proposed law authorizes the DOTD the powers to make any contract, execute any document or perform any act in order to carry out the provision of proposed law.

Proposed law requires the La. Drone Advisory Committee to submit a detailed report on the state of the drone industry in La. at least thirty days prior to the start of each legislative session.

Proposed law requires the La. Drone Advisory Committee to appoint one member to serve as a liaison with the Federal Aviation Administration.

(Amends R.S. 2:2(A)(2); Adds R.S. 2:2(A)(3) and (4) and 2.1)