

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, may be autonomous or remotely piloted
8 or operated, and may 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,

1 agent, or contractor of any business that is regulated by the Federal
 2 Communications Commission under the Cable Television Consumer Protection
 3 and Competition Act of 1992 or under Part 73 of Title 47 of the United States
 4 Code of Federal Regulations, while acting in the course and scope of his
 5 employment or agency relating to the operation, repair, or maintenance of a
 6 facility, servitude, or any property located on the immovable property
 7 belonging to such business.

8 (h) An unmanned aircraft system used by a person, affiliate, employee,
 9 agent, or contractor of a municipal or public utility while acting in the course
 10 and scope of his employment or agency relating to the operation, repair, or
 11 maintenance of a facility, servitude, or any property located on the immovable
 12 property belonging to such municipal or public utility.

13 C. If federal law or regulation preempts any provision of this Section,
 14 that provision of this Section shall be null.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
 16 signed by the governor, upon expiration of the time for bills to become law without signature
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 19 effective on the day following such approval.

The original instrument was prepared by Jerry J. Guillot. The following
 digest, which does not constitute a part of the legislative instrument, was
 prepared by Cheryl Serrett.

DIGEST

SB 69 Reengrossed 2017 Regular Session Carter

Proposed law provides that, except as otherwise provided by present law, the state has exclusive jurisdiction to regulate all unmanned aircraft systems and all unmanned aerial systems. Proposed law further provides that state law supersedes and preempts any rule, regulation, code, or ordinance of any political subdivision or other unit of local government.

Proposed law defines the following:

- (1) "Unmanned aerial system" means an unmanned aircraft and all associated support equipment, control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft. Such system may include drones, remote-controlled aircraft, unmanned aircraft, or any other such aircraft that is controlled autonomously by computer or remote control from the ground.

- (2) "Unmanned aircraft system" means an unmanned, powered aircraft that does not carry a human operator, may be autonomous or remotely piloted or operated, and may 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.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical amendments.