SLS 17RS-196

ENGROSSED

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

Page 1 of 5 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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,

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 Alden A. Clement, Jr.

SB 69 Engrossed

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<u>Proposed law</u> provides that, except as otherwise provided by <u>present law</u>, the state has exclusive jurisdiction to regulate all unmanned aircraft systems and all unmanned aerial systems. <u>Proposed law</u> 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.

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- (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.

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

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

(Adds R.S. 2:2)

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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.