

SENATE BILL NO. 69

BY SENATORS CARTER AND THOMPSON

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

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

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

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

(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. The 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

1 that does not carry a human operator, may be autonomous or remotely piloted
2 or operated, and may be expendable or recoverable. "Unmanned aircraft
3 system" does not include any of the following:

4 (a) A satellite orbiting the earth.

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

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

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

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

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

23 (g) An unmanned aircraft system used by a person, affiliate, employee,
24 agent, or contractor of any business that is regulated by the Federal
25 Communications Commission under the Cable Television Consumer Protection
26 and Competition Act of 1992 or under Part 73 of Title 47 of the United States
27 Code of Federal Regulations, while acting in the course and scope of his
28 employment or agency relating to the operation, repair, or maintenance of a
29 facility, servitude, or any property located on the immovable property
30 belonging to such business.

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

6 (i) An unmanned aircraft system used by a person, affiliate, employee,
 7 agent, or contractor of any business that is regulated by the Federal Railroad
 8 Administration, while acting in the course and scope of his employment or
 9 agency relating to the operation, repair, or maintenance of a facility, equipment,
 10 servitude, or any property located on the immovable property belonging to such
 11 business.

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

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

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____