

## RÉSUMÉ DIGEST

ACT 166 (SB 183)

2015 Regular Session

Thompson

New law provides for the following definitions:

- (1) "Agricultural commercial operation" means the use of any agricultural facility or agricultural land for agricultural production or agricultural processing and includes the production and processing of crops or crop products, livestock or livestock products, farm-raised fish and fish products, wood, timber or forest products, fowl and plants for breeding or sale, and poultry or poultry products for commercial or industrial purposes. "Agricultural commercial operation" also includes the use of farm machinery, equipment, devices, chemicals, products for agricultural use, materials and structures designed for agricultural use and used in accordance with traditional farm practices.
- (2) "Aircraft" means an unmanned aircraft operated as a part of an unmanned aerial system.
- (3) "Commissioner" means the Louisiana commissioner of agriculture and forestry.
- (4) "Data" means any information, pictures, images, samples, or other such information obtained through an unmanned aerial system.
- (5) "Department" means the Louisiana Department of Agriculture and Forestry.
- (6) "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.

Authorizes the commissioner to adopt rules for the regulation of unmanned aerial systems used in the course of agricultural commercial operations.

Authorizes the commissioner to appoint advisory committees and requires that the appointed committees include public universities holding certificates of authorization from the Federal Aviation Administration as well as other active university research programs.

Requires each operator of an unmanned aerial system used in the course of an agricultural commercial operation to obtain a license from the department upon meeting the following requirements:

- (1) Applicants shall submit a written application to the department as provided by the commissioner by rule.
- (2) Prior to applying for a license, each applicant must complete an agricultural education and safety training course conducted by the LSU AgCenter and comply with any other licensing requirements established by the commissioner by rule.

Requires that unmanned aerial systems operated in the course of an agricultural commercial operation be registered with the department.

Provides that licenses and registrations are valid for three years and may be renewed for additional three-year periods in accordance with rules adopted by the commissioner.

Authorizes the operation of unmanned aerial systems in accordance with the rules and regulations established by the commissioner, except as prohibited by federal law.

Authorizes private landowners engaged in agricultural commercial operations to use unmanned aerial systems within the geographical confines of their property.

Requires producers, tenants, lessees, university researchers, or other contracted or hired personnel working on private property who are engaged in agricultural commercial operations and are using unmanned aerial systems within the geographical confines of the

property to obtain written permission of the landowner or entity controlling the agricultural commercial use of the property.

Requires that data obtained through the use of an unmanned aerial system be used solely in the course of conducting a generally accepted agricultural commercial operation, or in conjunction with an agricultural research, extension program, or initiative conducted by a Louisiana public postsecondary educational institution.

Requires that all data obtained through the use of an unmanned aerial system remain the property of the legal owner of the property where the data was collected, unless written approval is given by the property owner for other uses. Authorizes public universities conducting agricultural research to negotiate with the legal owner of the property for the terms of use or shared ownership of the data.

Provides that the following are violations subject to penalties under new law:

- (1) The failure or refusal to obtain an unmanned aerial system license.
- (2) The failure or refusal to register an unmanned aerial system operated in the course of an agricultural commercial operation.
- (3) Any violation of new law or of any rule or regulation adopted pursuant to new law.
- (4) Any interference with the commissioner and the department or its representatives in the performance of their duties.
- (5) Failure to timely pay any penalties or costs.

Authorizes the commissioner to issue and rescind stop orders prohibiting the continued use of an unmanned aerial system in certain circumstances.

Requires an adjudicatory hearing be held to make determinations with respect to suspected violations, provides for notice requirements, and authorizes the commissioner to impose a civil penalty not to exceed \$500 for each violation. Each separate day on which a violation occurs is considered a separate violation.

Effective upon signature of the governor (June 23, 2015).

(Adds R.S. 3:41 - 47)