

Uncrewed Aircraft Systems Rights and Authorities Act

(1) SHORT TITLE.—This act may be cited as the “Uncrewed Aircraft Systems Rights and Authorities Act”.

(2) DEFINITIONS.—As used in this act, the term:

(a) Uncrewed aircraft.—The term “uncrewed aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. *(from PL 112-95§331(8))*

(b) Uncrewed aircraft system.—The term “uncrewed aircraft system” means an uncrewed aircraft and associated elements (including communication links and the components that control the uncrewed aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system. *(from PL 112-95§331(9))*

(3) FEDERAL AUTHORITY OVER AIRSPACE.—Nothing in this [title] shall preempt or intrude upon the exclusive sovereignty of airspace of the United States as set forth in 49 U.S.C. 40103. Any interpretation or application of any provision of this [title] that contradicts the exclusive authority of the United States government to regulate the operation of uncrewed aircraft and uncrewed aircraft systems in the airspace of the United States shall be null. *(modified Louisiana 2:2)*

(4) INDIVIDUAL AND COMMERCIAL RIGHTS.—

(a) An individual, in compliance with federal law, may operate an uncrewed aircraft system for recreational purposes within this State. *(modified Kentucky 500.130)*

(b) An individual or business entity, doing business lawfully within this State and in compliance with federal law, may operate or use an uncrewed aircraft system for commercial purposes within this State. *(modified Kentucky 500.130)*

(c) An owner of an uncrewed aircraft or uncrewed aircraft system shall not be required to register such aircraft or system beyond what may be required by Federal Aviation Administration rules. *(based on Virginia 5.1-5)*

(d) The operation of an uncrewed aircraft system, in accordance with federal law, in airspace over this State does not, standing alone, give rise to legal liability under the laws of this State or its political subdivisions. *(based on Michigan)*

(5) VIOLATIONS OF LAW USING UNCREWED AIRCRAFT.

(a) CIVIL AND CRIMINAL LIABILITY APPLIED.—A person is guilty of an offense committed with the aid of an uncrewed aircraft system if the uncrewed aircraft system is under the person’s control and the activity performed with the aid of the uncrewed aircraft system would have given rise to liability for the offense under the laws of this State if it was performed directly by the person without the aid of an uncrewed aircraft system. *(blended Kentucky 501.110 and Michigan 259.320)*

(b) AERIAL TRESPASS.—

(i) Operation of an uncrewed aircraft over real property, where the aircraft at no point lands on the property or comes into contact with structures or natural features on the property, does not constitute trespass to land or any violation of law based on intrusion onto land. *(new)*

(ii) Notwithstanding subsection (b)(i) of this section, a person is liable for aerial trespass if the person intentionally, and without the consent of the land possessor, operates an uncrewed aircraft such that the aircraft (A) enters into the immediate reaches of the airspace next to the land, and (B) interferes substantially with the possessor's use and enjoyment of his or her land. *(based on 1958 Restatement and ULC final draft)*

(c) VIOLATIONS OF PRIVACY LAW.—Consistent with subsection (a) of this section and **[state privacy law]**, an uncrewed aircraft can be the instrumentality by which a tort in violation of privacy rights may be committed under federal or state law. *(based on ULC final draft)*

(6) REGULATORY AUTHORITY PRESERVED.—

(a) BY THE STATE.—The State, through a duly adopted and enforceable agency-issued rule or regulation or other grant of authority, may—

(i) provide for the operation of an uncrewed aircraft system—

(A) by or on behalf of the State; or

(B) that is owned by the State. *(based on Arizona 13-3729(D)(2))*

(ii) subject to subsection (c) of this section, provide for or prohibit—

(A) the launch of an uncrewed aircraft from property owned by the State;

(B) the intentional landing of an uncrewed aircraft onto property owned by the State; or

(C) the presence of a pilot actively in command of such uncrewed aircraft system on property owned by the State. *(based on Georgia 6-1-4(c))*

(b) BY A POLITICAL SUBDIVISION.—

(i) Except as otherwise expressly provided in this section, a political subdivision may not enact or enforce an ordinance that relates to the—

(A) ownership, operation, design, manufacture, testing, maintenance, licensing, registration, or certification of an uncrewed aircraft system, including but not limited to airspace, altitude, flight paths, or equipment requirements; or

(B) qualifications, training, or certification of a pilot, operator, or observer of an uncrewed aircraft system. *(this subsection is from Florida 330.41(3))*

(ii) This subsection does not limit the authority of a political subdivision to—

(A) adopt an ordinance that enforces Federal Aviation Administration restrictions; *(from Georgia 6-1-4(b)(2))*

(B) adopt or enforce an ordinance that relates to the operation of an uncrewed aircraft system—

(I) by or on behalf of such political subdivision; or

(II) that is owned by such political subdivision; *(based on Arizona 13-3729(D)(2))*

(C) adopt or enforce generally applicable ordinances that relate to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of uncrewed aircraft systems, so long as such ordinances are not specifically related to the use of an uncrewed aircraft system for those illegal acts; or *(from Florida 330.41(3))*

(D) adopt or enforce an ordinance, subject to subsection (c) of this section, that regulates—

(I) the launch of an uncrewed aircraft from property owned by the political subdivision;

(II) the intentional landing of an uncrewed aircraft onto property owned by the political subdivision; or

(III) the presence of a pilot actively in command of such uncrewed aircraft system on property owned by the political subdivision. *(based on Georgia 6-1-4(c))*

(iii) Any ordinance that violates this section, whether enacted or adopted by a political subdivision before or after date of enactment of Uncrewed Aircraft Systems Rights and Authorities Act, is null. *(this is common in state code, although some allow enforcement of such provisions if enacted prior to certain dates. This is intended to be stronger.)*

(c) PUBLIC PROPERTY LAUNCH, LANDING, AND PILOTING.—

(i) A measure adopted under subsection (a)(iii) or (b)(ii)(D) shall not be enforceable—

(A) until the full text of such measure, including all properties covered by such measure, has been reported to the **[proper State agency]** and published on its public website; and *(based on Virginia 15.2-926.3)*

(B) if such measure includes park property, unless—

(I) the duration of such measure, as it applies to a park property, is **[no more than two years]** and requires affirmative renewal, for **[no more than two years]**; and *(new)*

(II) in the case of a political subdivision ordinance, there is other similar park property owned by the political subdivision and within the jurisdiction of such political subdivision not subject to regulation under such subsection. *(based on Arizona 13-3729(D)(3))*

(ii) Nothing in this section shall be construed to prohibit (A) the take-off or landing of an uncrewed aircraft as deemed reasonable or necessary by private or public entities for emergency or maintenance support functions or services, including the protection and maintenance of public or private critical infrastructure; (B) the landing of an uncrewed aircraft by an operator in compliance with Federal Aviation Administration regulations as deemed reasonable or necessary by the operator in the event of a technical malfunction of an uncrewed aircraft system; (C) the take-off or landing of an uncrewed aircraft being operated by a sworn public safety officer in the performance of his duties; or (D) the take-off or landing of an uncrewed aircraft owned or operated by the United States government, or any operator under contract with any agency of the United States government, in performance of his assigned duties. *(based on VA § 15.2-926.3)*

(iii) Nothing in this section shall be construed to permit State or local regulation of uncrewed aircraft operations in airspace over land owned by the State or a political subdivision. *(inspired by NY OPRHP)*