

The Senate Committee on Science and Technology offered the following substitute to SB 325:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to
2 regulation of aeronautics, aircraft, and airports generally, so as to provide legislative
3 findings; to provide definitions; to provide for preemption of prohibitions, restrictions, and
4 regulation of the testing or operation of unmanned aircraft systems in the State of Georgia;
5 to provide for the establishment of the Georgia Unmanned Vehicle Systems Commission and
6 its composition, duties, and activities; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to regulation of
11 aeronautics, aircraft, and airports generally, is amended by designating the existing text as
12 Article 1 and adding a new article to read as follows:

13 ARTICLE 2

14 6-2-20.

15 The General Assembly finds that:

16 (1) The Federal Aviation Act of 1958 established the Federal Aviation Administration
17 (FAA) and made the FAA responsible for the control and use of navigable airspace
18 within the United States;

19 (2) The FAA regulates unmanned aircraft systems, also known as drones;

20 (3) Public entities, including law enforcement agencies, firefighter units, border and port
21 patrols, disaster relief workers, search and rescue personnel, qualifying public
22 universities, military training facilities, and other government operational mission units,
23 may operate unmanned aircraft systems by applying for a Certificate of Waiver or
24 Authorization from the FAA;

- 25 (4) In December 2013, the FAA selected six public entities around the nation to develop
26 test sites for unmanned aircraft systems research;
- 27 (5) The FAA is in the process of developing rules that are intended to safely integrate
28 small unmanned aircraft systems into the national airspace system and that, following
29 issuance of a notice of proposed rulemaking and public comment period, are expected to
30 be released in late 2016 or 2017;
- 31 (6) The small unmanned aircraft systems rules are anticipated to be similar to the current
32 hobbyist rules for operations of model unmanned aircraft systems that limit the area of
33 operation to low-risk and controlled environments and the size of the systems to less than
34 55 pounds;
- 35 (7) While the FAA is developing the small unmanned aircraft systems rules, private
36 commercial entities on a company-by-company basis may apply to the FAA for a
37 Section 333 exemption from the current rules for manned aircraft systems by showing
38 that the entity operates with at least an equivalent level of safety;
- 39 (8) In September, 2014, six companies in the film production industry were granted
40 Section 333 exemptions, and the FAA has stated that many more exemptions are in the
41 processing stage;
- 42 (9) In addition to being used in military training and operations and public safety areas,
43 unmanned vehicle systems may be used in a wide variety of activities, including the
44 inspection of government, energy and telecommunication infrastructure, transportation,
45 natural disaster aid, precision agriculture, natural resource and environmental protection,
46 bridge and infrastructure inspection, public utility support, construction and building
47 inspection, surveying, and realtor marketing and photography;
- 48 (10) It is important to balance individual privacy with public safety concerns; and
- 49 (11) While the public has expressed concerns with the operation of unmanned vehicle
50 systems, including privacy and public safety issues, there are benefits that may be
51 realized by the state, including the state's various industry sectors, from conducting
52 research on unmanned vehicle systems in the state and from developing, manufacturing,
53 and operating unmanned vehicle systems in the state.

54 6-2-21.

55 (a) As used in this article, the term:

- 56 (1) 'Unmanned aircraft' means the flying portion of an unmanned aircraft system, flown
57 by a pilot via a ground control system or autonomously through use of an onboard
58 computer, a communication link, and any additional equipment that is necessary for the
59 unmanned aircraft to operate safely.

60 (2) 'Unmanned aircraft system' means an unmanned aircraft and all the associated
 61 support equipment, control stations, data links, telemetry, communications and navigation
 62 equipment, and other equipment necessary to operate the unmanned aircraft.

63 (b) Only the State of Georgia may enact a law or take any other action to prohibit, restrict,
 64 or regulate the testing or operation of unmanned aircraft systems in the State of Georgia.

65 (c) The State of Georgia fully preempts the authority of any county, municipality, or other
 66 political subdivision of the state to prohibit, restrict, or regulate the testing or operation of
 67 unmanned aircraft systems and supersedes any existing law, regulation, or ordinance of a
 68 county, municipality, or other political subdivision of the state that prohibits, restricts, or
 69 regulates the testing or operation of unmanned aircraft systems in the state.

70 (d) This article shall not be construed to prohibit a county, municipality, or other political
 71 subdivision of the state from:

72 (1) Promulgating rules, regulations, and ordinances for the use of unmanned aircraft by
 73 such political entity itself within the boundaries of such political entity; or

74 (2) Using unmanned aircraft systems for the following purposes:

75 (A) Surveying the scene of a catastrophe or other damage to determine whether a state
 76 of emergency should be declared;

77 (B) Preserving public safety, protecting property, or surveying damage or
 78 contamination during a lawfully declared state of emergency;

79 (C) Conducting routine air quality sampling and monitoring in accordance with federal
 80 and state law;

81 (D) Law enforcement purposes in accordance with federal and state law;

82 (E) Mapping;

83 (F) Inspecting property and infrastructure of the county, municipality, or other political
 84 subdivision of the state;

85 (G) Fire suppression;

86 (H) Rescuing an individual whose life or well-being is in imminent danger.

87 (e) This Code section shall not affect federal preemption of state law.

88 6-2-22.

89 (a) There is created the Georgia Unmanned Vehicle Systems Commission.

90 (b) The commission shall be composed of:

91 (1) Two members of the Senate appointed by the President of the Senate;

92 (2) Two members of the House of Representatives appointed by the Speaker of the
 93 House of Representatives;

94 (3) Two individuals appointed by the Governor with backgrounds in unmanned aircraft
 95 systems;

- 96 (4) The commissioner of economic development or his or her designee;
 97 (5) One individual appointed by the Governor from the aerospace industry;
 98 (6) The executive director of the Georgia Ports Authority or his or her designee;
 99 (7) The executive director of the Georgia Sheriffs Association or his or her designee;
 100 (8) The executive director of the Georgia Association of Chiefs of Police or his or her
 101 designee;
 102 (9) The director of the Georgia Emergency Management Agency or his or her designee;
 103 (10) The director of the Georgia Bureau of Investigation or his or her designee;
 104 (11) One individual appointed by the Governor who may be recommended by the
 105 Georgia Municipal Association and who is the mayor of a municipality in Georgia;
 106 (12) One individual appointed by the Governor who may be recommended by the
 107 Association County Commissioners of Georgia and who is a county commissioner in
 108 Georgia; and
 109 (13) One individual appointed by the Governor who is a representative of the
 110 Association of Unmanned Vehicle Systems International.
- 111 (c) Appointed members shall be appointed by their respective appointing authorities for
 112 two-year terms of office and may be reappointed upon the expiration of their terms of
 113 office. Vacancies shall be filled for the unexpired term by appointment by the respective
 114 appointing authority.
- 115 (d) The President of the Senate shall designate one of the Senate appointees as
 116 cochairperson, and the Speaker of the House of Representatives shall designate one of the
 117 House of Representatives appointees as cochairperson. The commission shall meet at least
 118 four times per year and upon the call of the cochairpersons.
- 119 (e) Legislative members of the commission shall only receive the mileage or transportation
 120 allowances provided for in Code Section 28-1-8 for attending meetings of the commission.
 121 Members of the commission who are state officials, other than legislative members, or who
 122 are state employees shall receive no compensation for their services on the commission,
 123 but they may be reimbursed for expenses incurred by them in the performance of their
 124 duties as members of the commission in the same manner as they are reimbursed for
 125 expenses in their capacities as state officials or employees. Members of the commission
 126 who are not legislators, state officials, or state employees shall receive a daily expense
 127 allowance in an amount the same as that specified in subsection (b) of Code Section
 128 45-7-21 as well as the mileage or transportation allowance authorized for state employees.
- 129 (f) The commission, in consultation with the Department of Economic Development and
 130 other interested parties, shall:
- 131 (1) Identify the benefits, including job creation, a cleaner environment, positive
 132 economic impacts, increased public safety, and enhanced efficiencies, that may be

- 133 realized by the state from conducting research on unmanned vehicle systems in the state
134 and by developing, manufacturing, and operating unmanned vehicle systems in the state;
135 (2) Determine the benefits that may be realized within each of the various industry
136 sectors in the state that have the potential for the use of unmanned vehicle systems and
137 evaluate the extent to which the use of unmanned vehicle systems in the state is in the
138 public interest;
139 (3) Identify ways in which the benefits and other positive aspects associated with the use
140 of unmanned vehicle systems may be conveyed to the public in order to achieve public
141 support;
142 (4) Identify policies that should be implemented to ensure that any concerns, including
143 privacy and public safety issues, are addressed;
144 (5) As a way to provide certainty to companies that want to use unmanned aircraft
145 systems in the state, develop qualification guidelines for companies to follow when
146 applying to the Federal Aviation Administration for a Section 333 exemption;
147 (6) Identify the state of all unmanned vehicle systems industries in this state, looking
148 comprehensively at the industry, including the supply chain from precompetitive research
149 and development through production and operation;
150 (7) Identify challenges and needs of the unmanned vehicle systems industry that may be
151 met with Georgia assets for each domain of unmanned vehicle systems (aerial, land,
152 maritime), including, but not limited to, workforce, research and engineering expertise,
153 testing facilities, manufacturing facilities, and economic development opportunities
154 within the state;
155 (8) Develop the value proposition for Georgia that will provide a basis for marketing
156 Georgia to the current unmanned vehicle systems industry and that will position Georgia
157 for emerging needs and applications within that industry; and
158 (9) Provide recommendations that will encourage the development of the unmanned
159 vehicle systems industry in Georgia.
160 (g) The commission shall provide an annual report to the General Assembly on its work
161 and findings.
162 (h) The commission shall be abolished on December 31, 2021."

163

SECTION 2.

164 All laws and parts of laws in conflict with this Act are repealed.