

House Bill 205 (COMMITTEE SUBSTITUTE)

By: Representatives Clark of the 100th, Gaines of the 120th, Jones of the 25th, Crowe of the 118th, Greene of the 154th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 1 of Title 6 and Article 2 of Chapter 3 of Title 38 of the Official Code of
2 Georgia Annotated, relating to general provisions relative to aviation and organization and
3 administration of emergency management, respectively, so as to provide for the development
4 of a list of approved unmanned aircraft systems for use in this state by the Georgia
5 Emergency Management and Homeland Security Agency; to provide for definitions; to
6 provide for standards for the development of such list; to authorize local ordinances relating
7 to unmanned aircraft systems on such list in certain instances; to authorize the operation of
8 unmanned aircraft systems in this state on such approved list in or on public property; to
9 encourage the purchase of unmanned aircraft systems from such approved list and prohibit
10 the purchase of unmanned aircraft systems not on such approved list by state agencies or
11 local governments after a certain date; to exempt records relating to the development of an
12 approved unmanned aircraft system list from open records requirements; to provide for
13 related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 205 (SUB)

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15 **SECTION 1.**

16 Chapter 1 of Title 6 of the Official Code of Georgia Annotated, relating to general provisions
17 relative to aviation, is amended by revising Code Section 6-1-4, relating to unmanned aircraft
18 system defined, preemption for unmanned aircraft systems, and operations, as follows:

19 "6-1-4.

20 (a)(1) As used in this Code section, the term:

21 (1) 'Approved unmanned aircraft system' means an unmanned aircraft system approved
22 by the Georgia Emergency Management and Homeland Security Agency pursuant to
23 Code Section 38-3-39.

24 (2) 'Unmanned ~~unmanned~~ aircraft system' means a powered, aerial vehicle that is not a
25 satellite and that:

26 (A) Does not carry a human operator and is operated without the possibility of direct
27 human intervention from within or on the aircraft;

28 (B) Uses aerodynamic forces to provide vehicle lift;

29 (C) Can fly autonomously or be piloted remotely; and

30 (D) Can be expendable or recoverable.

31 ~~(2) Such term shall not include a satellite.~~

32 (b) Any ordinance, resolution, regulation, or policy of any county, municipality, or other
33 political subdivision of this state regulating the testing or operation of unmanned aircraft
34 systems shall be deemed preempted and shall be null, void, and of no force and effect;
35 provided, however, that a county, municipality, or other political subdivision of this state
36 may:

37 (1) Enforce any ordinance that was adopted on or before April 1, 2017;

38 (2) Adopt an ordinance that enforces Federal Aviation Administration restrictions; or

39 (3) Adopt an ordinance that ~~provides for or~~ prohibits the launch or intentional landing
40 of an unmanned aircraft system from or on its public property ~~except with respect to the~~
41 ~~operation of an unmanned aircraft system for commercial purposes; or~~

42 (4) Adopt an ordinance that provides for the launch or intentional landing of an approved
 43 unmanned aircraft system from or on its public property.

44 (c) The state, through agency or departmental rules and regulations, may ~~provide for or~~
 45 prohibit the launch or intentional landing of an unmanned aircraft system from or on its
 46 public property. The state, through agency or departmental rules and regulations, may
 47 provide for the launch or intentional landing of an approved unmanned aircraft system from
 48 or on its public property.

49 (d) To the extent practicable, a state agency or county, municipality, or other political
 50 subdivision of this state shall purchase or acquire only approved unmanned aircraft
 51 systems; provided, however, that, on and after January 1, 2028, no state agency or county,
 52 municipality, or other political subdivision of this state shall purchase or acquire an
 53 unmanned aircraft system that is not an approved unmanned aircraft system."

54 **SECTION 2.**

55 Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
 56 organization and administration of emergency management, is amended by adding a new
 57 Code section to read as follows:

58 "38-3-39.

59 (a) As used in this Code section, the term 'unmanned aircraft system' shall have the same
 60 meaning as set forth in Code Section 6-1-4.

61 (b) No later than December 1, 2025, the Georgia Emergency Management and Homeland
 62 Security Agency shall develop a list of unmanned aircraft systems approved for use within
 63 this state. Such list shall be developed in coordination with the Department of
 64 Administrative Services, be developed after consultation with experts in the field of data
 65 collection and privacy, and include unmanned aircraft systems determined by the Georgia
 66 Emergency Management and Homeland Security Agency to:

67 (1) Be compliant with Federal Aviation Administration standards;

- 68 (2) Have been cleared for use by the United States Department of Defense;
69 (3) Be compliant with requirements of the federal National Defense Authorization Act
70 of 2024, P.L. 118-31;
71 (4) Be designed in a manner that prevents the transmission of data to unauthorized
72 persons or entities under normal operating conditions; and
73 (5) Present no threat to the security of this state.
74 (c) The list developed pursuant to this Code section shall be published upon the Georgia
75 Emergency Management and Homeland Security Agency public website.
76 (d) The Georgia Emergency Management and Homeland Security Agency shall review
77 and update the list compiled pursuant to this Code section every six months. Any records
78 of the Georgia Emergency Management and Homeland Security Agency relative to the
79 development of such list shall be exempt from Article 4 of Chapter 18 of Title 50, relating
80 to open records."

81 **SECTION 3.**

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