

House Bill 1230

By: Representatives Jones of the 25th, Thomas of the 21st, Crowe of the 118th, Hitchens of the 161st, and Lumsden of the 12th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 6 of the Official Code of Georgia Annotated, relating to general
2 provisions regarding aviation, so as to prohibit the operation of unmanned aircraft systems
3 over a place of incarceration; to provide for a definition; to provide for exceptions; to require
4 posting of signs warning of such prohibition; to provide for violations and penalties; to
5 declare such systems contraband; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 6 of the Official Code of Georgia Annotated, relating to general provisions
10 regarding aviation, is amended by revising Code Section 6-1-4, relating to regulation of the
11 testing or operation of unmanned aircraft system, preemption, unauthorized operation at
12 ticketed entertainment event, penalty, and exemptions, as follows:

13 "6-1-4.

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

15 (1) 'Place of incarceration' means any prison, probation detention center, jail, or
 16 institution, including any state, federal, local, or privately operated facility, used for the
 17 purpose of incarcerating criminals or detainees.

18 (2) 'Ticketed entertainment event' means any music, sporting, or performing arts event
 19 held in a location with gated entries or barriers that prevent access to the general public
 20 and in which a revocable license ~~that has been~~ issued by an owner, operator, or lessee of
 21 such property is required for attendance at such event.

22 ~~(2)(3)(A)~~ 'Unmanned aircraft system' means:

23 ~~(A)~~ ~~A~~ a powered, aerial vehicle that:

24 (i) Does not carry a human operator and is operated without the possibility of direct
 25 human intervention from within or on the aircraft;

26 (ii) Uses aerodynamic forces to provide vehicle lift;

27 (iii) Can fly autonomously or be piloted remotely; and

28 (iv) Can be expendable or recoverable; ~~and~~

29 (B) Such term shall not include a satellite.

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

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

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

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

40 (c) The state, through agency or departmental rules and regulations, may provide for or
41 prohibit the launch or intentional landing of an unmanned aircraft system from or on its
42 public property.

43 (d)(1) It shall be unlawful to operate an unmanned aircraft system within 400 feet of or
44 above a ticketed entertainment event.

45 ~~(2) A person who violates this subsection shall be guilty of the unauthorized operation~~
46 ~~of an unmanned aircraft system and shall be punished as for a misdemeanor.~~

47 ~~(3) This Paragraph (1) of this subsection shall not apply ~~when to~~ a person who operates~~
48 ~~operating an unmanned aircraft system within 400 feet of or above a ticketed~~
49 ~~entertainment event who:~~

50 (A) Has obtained consent by any person with legal authority over a the ticketed
51 entertainment event;

52 (B) Is authorized by federal regulations to operate an unmanned aircraft system and is
53 operating such system in a lawful manner and consistent with federal regulations;

54 (C) Is an employee of the property where the ticketed entertainment event is held and
55 is conducting official business within the scope of such employment;

56 (D) Is an employee of a water, sewer, electrical, telephone, cable, or other regulated
57 utility service provider and is conducting official business within the scope of such
58 employment; or

59 (E) Is an owner of private property who is operating an unmanned aircraft system that
60 he or she owns above such property, provided that such operation is consistent with
61 federal regulations and is not used for commercial purposes, to convey or communicate
62 a message, ~~or~~ to record for purposes of commercial broadcasting or publication, or to
63 monitor; or otherwise interfere in any way with a ticketed entertainment event.

64 (e)(1) No person shall operate an unmanned aircraft system above a place of
65 incarceration or knowingly allow another person to operate an unmanned aircraft system
66 above a place of incarceration from his or her property.

67 (2) Paragraph (1) of this subsection shall not apply to the operation of an unmanned
68 aircraft system by an operator who is in compliance with federal regulations and who is
69 a peace officer operating such system for a law enforcement or public safety purpose.

70 (3) Unmanned aircraft systems operated in violation of this subsection are declared to
71 be contraband and may be seized, taken, and removed, or caused to be removed and
72 destroyed or disposed of at the expense of the owner thereof.

73 (4) The provisions of this subsection shall not apply unless adequate notice of such
74 prohibitions have been posted at the outermost secured entry of a place of incarceration.

75 (f) A person who violates subsection (d) or (e) of this Code section shall be guilty of the
76 unauthorized operation of an unmanned aircraft system and shall be punished as for a
77 misdemeanor."

78 **SECTION 2.**

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