

The House Committee on Technology and Infrastructure Innovation offers the following substitute to HB 949:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 6 of the Official Code of Georgia Annotated, relating to general provisions regarding aviation, so as to prohibit certain activities over agricultural land through the operation of unmanned aircraft systems; to provide for penalties; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"6-1-4.

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

(1) 'Agricultural land' means any land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products, but does not include any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use.

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(2) 'Local government unit' shall have the same meaning as set forth in Code Section 36-86-3.

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

~~(2)(4)(A)~~ 'Unmanned aircraft system' means:

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

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

(ii) Uses aerodynamic forces to provide vehicle lift;

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

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

(B) Such term shall not include a satellite.

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) It shall be unlawful to operate an unmanned aircraft system over agricultural land for purposes of:

(1) Interfering with agricultural practices upon the agricultural land;

(2) Applying any substance to soil, plant life, or water upon the agricultural land without the express consent of any owner or lessee of such agricultural land;

(3) Harassing livestock; or

76 **SECTION 2.**
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