

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

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 certain activities over agricultural land
3 through the operation of unmanned aircraft systems; to provide for penalties; to provide for
4 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

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

11 "6-1-4.

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

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

H. B. 949 (SUB)

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

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

23 ~~(2)(4)(A)~~ 'Unmanned aircraft system' means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65 (e) It shall be unlawful to operate an unmanned aircraft system over agricultural land
 66 where the result of such operation is:

67 (1) Disturbance of agricultural practices upon the agricultural land;

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

70 (3) Harassment of livestock.

71 (f) A person that knowingly violates subsection (d) or (e) of this Code section shall be
72 guilty of the unauthorized operation of an unmanned aircraft system and shall be punished
73 as for a misdemeanor."

74 **SECTION 2.**

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