

House Bill 1277

By: Representatives Clark of the 100th, Hitchens of the 161st, Bonner of the 73rd, Barrett of the 24th, Crowe of the 118th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 6, Chapter 80 of Title 36, Article 2A of Chapter 3 of Title 38,
2 and Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
3 relating to general provisions relative to aviation; provisions applicable to counties,
4 municipalities, corporations, and other governmental entities; general authority, duties, and
5 procedure for state purchasing; and the Board of Homeland Security, respectively, so as to
6 provide for the development of a list of approved unmanned aircraft systems by the Board
7 of Homeland Security; to provide for standards for the development of such list; to prohibit
8 the operation of unmanned aircraft systems in this state other than those upon such approved
9 list; to prohibit the purchase of unmanned aircraft systems not on such approved list by state
10 agencies or local governments; to exempt records relating to the development of an approved
11 unmanned aircraft system list from the Open Records Act; to provide for related matters; to
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

14
15 Chapter 1 of Title 6 of the Official Code of Georgia Annotated, relating to general provisions
16 relative to aviation, is amended by revising Code Section 6-1-4, relating to unmanned aircraft
17 system defined, preemption for unmanned aircraft systems, and operations, as follows:

18 "6-1-4.

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

20 (1) 'Approved unmanned aircraft system' means an unmanned aircraft system approved
21 by the Board of Homeland Security pursuant to Code Section 38-3-43.

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

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

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

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

28 (D) Can be expendable or recoverable.

29 (~~2~~) ~~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 regulating the testing or operation of unmanned aircraft
32 systems shall be deemed preempted and shall be null, void, and of no force and effect;
33 provided, however, that a county, municipality, or other political subdivision of this state
34 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 approved unmanned aircraft system for commercial purposes; or

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

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

47 **SECTION 2.**

48 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
49 applicable to counties, municipalities, corporations, and other governmental entities, is
50 amended by adding a new Code section to read as follows:

51 "36-80-32.

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

53 (1) 'Approved unmanned aircraft system' means an unmanned aircraft system approved
54 by the Board of Homeland Security pursuant to Code Section 38-3-43.

55 (2) 'Unmanned aircraft system' shall have the same meaning as set forth in Code
56 Section 6-1-4.

57 (b) No county, municipality, school district, local authority, local governmental unit, or
58 other political subdivision of this state shall purchase an unmanned aircraft system that is
59 not an approved unmanned aircraft system."

60 **SECTION 3.**

61 Article 2A of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to the
62 Board of Homeland Security, is amended by adding a new Code section to read as follows:

63 "38-3-43.

64 (a) As used in this Code section, the term 'unmanned aircraft system' shall have the same
65 meaning as provided for in Code Section 6-1-4.

66 (b) No later than December 1, 2024, the board shall develop a list of unmanned aircraft
67 systems approved for use within this state. Such list shall be developed in coordination
68 with the Department of Administrative Services and shall include unmanned aircraft
69 systems determined by the board to be compliant with Federal Aviation Administration
70 standards and to present no threat to the security of this state. Such list shall be published
71 upon the Georgia Emergency Management and Homeland Security Agency website.

72 (c) The board shall review and update the list compiled pursuant to subsection (b) of this
73 Code section every six months. Any records of the board relative to the development of
74 the list compiled pursuant to subsection (b) of this Code section shall be exempt from
75 Article 4 of Chapter 18 of Title 50, relating to open records."

76 **SECTION 4.**

77 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
78 relating to general authority, duties, and procedure for state purchasing, is amended by
79 adding a new Code section to read as follows:

80 "50-5-86.

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

82 (1) 'Approved unmanned aircraft system' means an unmanned aircraft system approved
83 by the Board of Homeland Security pursuant to Code Section 38-3-43.

84 (2) 'State agency' means any authority, board, department, instrumentality, institution,
85 agency, or other unit of state government.

86 (3) 'Unmanned aircraft system' shall have the same meaning as set forth in Code
87 Section 6-1-4.

88 (b) No state agency shall purchase an unmanned aircraft system that is not an approved
89 unmanned aircraft system."

90 **SECTION 5.**

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