

2015 Regular Session

SENATE BILL NO. 183

BY SENATORS THOMPSON, ALLAIN AND LONG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AIRCRAFT/AVIATION. Provides for the regulation of unmanned aerial systems in agricultural commercial operations. (gov sig)

1 AN ACT

2 To enact Chapter 1-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised

3 of R.S. 3:41 through 47, relative to the regulation of unmanned aerial systems in

4 agricultural commercial operations; to provide for definitions; to authorize the

5 commissioner to adopt rules; to provide for license and registration requirements; to

6 provide relative to the operation of unmanned aerial systems; to provide for

7 violations; to authorize the commissioner to issue stop orders; to provide for

8 penalties; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 1-A of Title 3 of the Louisiana Revised Statutes of 1950,

11 comprised of R.S. 3:41 through 47 is hereby enacted to read as follows:

12 **CHAPTER 1-A. UNMANNED AERIAL SYSTEMS**

13 **§41. Definitions**

14 **For the purposes of this Chapter, the following definitions shall apply:**

15 **(1) "Agricultural commercial operation" means the use of any**

16 **agricultural facility or agricultural land for agricultural production or**

17 **agricultural processing and includes the production and processing of crops or**

1 products, livestock or livestock products, farm-raised fish and fish products,
2 wood, timber or forest products, fowl and plants for breeding or sale, and
3 poultry or poultry products for commercial or industrial purposes.

4 "Agricultural commercial operation" also includes the use of farm machinery,
5 equipment, devices, chemicals, products for agricultural use, materials, and
6 structures designed for agricultural use and used in accordance with traditional
7 farm practices.

8 (2) "Aircraft" means an unmanned aircraft operated as a part of an
9 unmanned aerial system.

10 (3) "Commissioner" means the Louisiana commissioner of agriculture
11 and forestry.

12 (4) "Data" means any information, pictures, images, samples, or other
13 such information obtained through an unmanned aerial system.

14 (5) "Department" means the Louisiana Department of Agriculture and
15 Forestry.

16 (6) "Unmanned aerial system" means an unmanned aircraft and all
17 associated support equipment, control station, data links, telemetry,
18 communications, and navigation equipment necessary to operate the unmanned
19 aircraft. Such system may include drones, remote controlled aircraft,
20 unmanned aircraft, or any other such aircraft that is controlled autonomously
21 by computer or remote control from the ground.

22 §42. Powers of the commissioner

23 A. The commissioner shall adopt rules and regulations to implement the
24 provisions of this Chapter, including but not limited to rules and regulations
25 governing the registration of unmanned aerial systems used in the course of
26 agricultural commercial operations. All rules and regulations shall be adopted
27 in accordance with the Administrative Procedure Act.

28 B. The commissioner shall administer and enforce the provisions of this
29 Chapter and the rules and regulations adopted pursuant to the provisions of

1 this Chapter.

2 C. The commissioner may appoint committees to advise on the
3 implementation of the provisions of this Chapter.

4 §43. Licenses and registration

5 A. Each person operating an unmanned aerial system in the course of an
6 agricultural commercial operation shall obtain a license from the department
7 which shall be issued upon the applicant meeting the following requirements:

8 (1) Applicants must submit a written application to the department as
9 provided by the commissioner by rule.

10 (2) Prior to applying for a license, each applicant shall complete an
11 educational and safety training course conducted by the Louisiana State
12 University Agricultural Center and comply with any other licensing
13 requirements established by the commissioner by rule.

14 B. Each unmanned aerial system operated in the course of an
15 agricultural commercial operation shall be registered with the department.

16 C. Licenses and registrations shall be valid for three years and may be
17 renewed for additional three-year periods in accordance with rules adopted by
18 the commissioner.

19 §44. Unmanned aerial systems; operation

20 A. Unmanned aerial systems may operate in agricultural commercial
21 operations in accordance with this Chapter and the rules and regulations
22 established by the commissioner, except as prohibited by federal law.

23 B.(1) Private landowners engaged in agricultural commercial operations
24 on their private property may use unmanned aerial systems within the
25 geographical confines of such property.

26 (2) Producers, tenants, lessees, or other contracted or hired personnel
27 working on private property who are engaged in agricultural commercial
28 operations may use unmanned aerial systems within the geographical confines
29 of the property, only with written permission of the landowner or entity

1 controlling the agricultural commercial use of the property.

2 (3) Data obtained through the use of an unmanned aerial system shall be
3 used solely in the course of conducting a generally accepted agricultural
4 commercial operation, or in conjunction with an agricultural research,
5 extension program, or initiative conducted by a Louisiana public postsecondary
6 educational institution.

7 (4) All data obtained through the use of an unmanned aerial system shall
8 remain the property of the legal owner of the property where the data was
9 collected, unless written approval is given by the property owner for other uses.

10 §45. Violations

11 Violations of this Part shall include but shall not be limited to the
12 following:

13 (1) The failure or refusal to obtain an unmanned aerial system license in
14 accordance with R.S. 3:43.

15 (2) The failure or refusal to register an unmanned aerial system operated
16 in the course of an agricultural commercial operation in accordance with R.S.
17 3:43.

18 (3) Any violation of this Chapter or of any rule or regulation adopted
19 pursuant to the provisions of this Chapter.

20 (4) Any interference with the commissioner and the department or its
21 representatives in the performance of their duties as prescribed in this Chapter.

22 (5) Failure to timely pay any penalties or costs due pursuant to the
23 provisions of this Chapter or any rule or regulation of the commissioner
24 adopted pursuant to this Chapter.

25 §46. Stop orders

26 A. When the commissioner has reason to believe that a violation has
27 occurred, the commissioner may issue a stop order prohibiting the continued
28 use of an unmanned aerial system.

29 B. Any violation of a stop order shall constitute a separate violation.

1 C. A stop order may be released by the commissioner upon a
2 determination by the commissioner that the cause for issuing the stop order has
3 been remedied.

4 D. Any person aggrieved by a stop order may petition the commissioner
5 for a hearing to contest the validity of the stop order by making a written
6 request within five calendar days after issuance of the stop order. The hearing
7 shall be held within ten calendar days of receipt of the written request for a
8 hearing. The commissioner may appoint a hearing officer to preside over the
9 matter. The commissioner shall issue a ruling in the matter. The hearing and
10 any subsequent appeal shall be held in accordance with the provisions of the
11 Administrative Procedure Act.

12 E. Based upon the results of the hearing, or a consent agreement, the
13 commissioner may take one or more of the following actions:

14 (1) Release the stop order.

15 (2) Require the cause for the stop order to be remedied prior to releasing
16 the stop order.

17 (3) Amend the stop order.

18 §47. Penalties

19 A. If the commissioner determines that a violation of the provisions of
20 this Chapter or of the rules and regulations adopted pursuant to the provisions
21 of this Chapter has occurred, an adjudicatory hearing shall be held to make a
22 determination with respect to the suspected violation.

23 B. The commissioner shall give written notice to the alleged violator,
24 which shall comply with the requirements of the Administrative Procedure Act,
25 at least five days prior to the date set for such adjudicatory hearing.

26 C. The commissioner shall designate a hearing officer to preside at all
27 adjudicatory proceedings.

28 D. At any such adjudicatory hearing, the alleged violator shall be
29 accorded all of the rights set forth in the Administrative Procedure Act.

1 **E. Whenever the commissioner makes a determination from the**
 2 **proceedings of the adjudicatory hearing that a violation of this Chapter or these**
 3 **regulations has occurred, the commissioner may impose a civil penalty not to**
 4 **exceed five hundred dollars for each violation. Civil penalties shall be imposed**
 5 **only on the basis of an adjudication of violations pursuant to an adjudicatory**
 6 **hearing held in accordance with the Administrative Procedure Act.**

7 **F. Each separate day on which a violation occurs shall be considered a**
 8 **separate violation.**

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 183 Engrossed

2015 Regular Session

Thompson

Proposed law provides for the following definitions:

- (1) "Agricultural commercial operation" means the use of any agricultural facility or agricultural land for agricultural production or agricultural processing and includes the production and processing of crops or crop products, livestock or livestock products, farm-raised fish and fish products, wood, timber or forest products, fowl and plants for breeding or sale, and poultry or poultry products for commercial or industrial purposes. "Agricultural commercial operation" also includes the use of farm machinery, equipment, devices, chemicals, products for agricultural use, materials and structures designed for agricultural use and used in accordance with traditional farm practices.
- (2) "Aircraft" means an unmanned aircraft operated as a part of an unmanned aerial system.
- (3) "Commissioner" means the Louisiana commissioner of agriculture and forestry.
- (4) "Data" means any information, pictures, images, samples, or other such information obtained through an unmanned aerial system.
- (5) "Department" means the Louisiana Department of Agriculture and Forestry.
- (6) "Unmanned aerial system" means an unmanned aircraft and all associated support equipment, control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft. Such system may include

drones, remote controlled aircraft, unmanned aircraft, or any other such aircraft that is controlled autonomously by computer or remote control from the ground.

Proposed law authorizes the commissioner to adopt rules for the regulation of unmanned aerial systems used in the course of agricultural commercial operations.

Proposed law authorizes the commissioner to appoint advisory committees.

Proposed law requires each operator of an unmanned aerial system used in the course of an agricultural commercial operation to obtain a license from the department upon meeting the following requirements:

- (1) Applicants must submit a written application to the department as provided by the commissioner by rule.
- (2) Prior to applying for a license, each applicant must complete an educational and safety training course conducted by the LSU AgCenter and comply with any other licensing requirements established by the commissioner by rule.

Proposed law requires that unmanned aerial systems operated in the course of an agricultural commercial operation be registered with the department.

Proposed law provides that licenses and registrations are valid for three years and may be renewed for additional three-year periods in accordance with rules adopted by the commissioner.

Proposed law authorizes the operation of unmanned aerial systems in accordance with the rules and regulations established by the commissioner, except as prohibited by federal law.

Proposed law authorizes private landowners engaged in agricultural commercial operations to use unmanned aerial systems within the geographical confines of their property.

Proposed law requires producers, tenants, lessees, or other contracted or hired personnel working on private property who are engaged in agricultural commercial operations and are using unmanned aerial systems within the geographical confines of the property to obtain written permission of the landowner or entity controlling the agricultural commercial use of the property.

Proposed law provides that data obtained through the use of an unmanned aerial system must be used solely in the course of conducting a generally accepted agricultural commercial operation, or in conjunction with an agricultural research, extension program, or initiative conducted by a Louisiana public postsecondary educational institution.

Proposed law requires that all data obtained through the use of an unmanned aerial system remain the property of the legal owner of the property where the data was collected, unless written approval is given by the property owner for other uses.

Proposed law provides for the following violations:

- (1) The failure or refusal to obtain an unmanned aerial system license.
- (2) The failure or refusal to register an unmanned aerial system operated in the course of an agricultural commercial operation.
- (3) Any violation of this law or of any rule or regulation adopted pursuant thereto.
- (4) Any interference with the commissioner and the department or its representatives in the performance of their duties.

- (5) Failure to timely pay any penalties or costs.

Proposed law authorizes the commissioner to issue and rescind stop orders prohibiting the continued use of an unmanned aerial system in certain circumstances.

Proposed law requires an adjudicatory hearing be held to make determinations with respect to suspected violations, provides for notice requirements, and authorizes the commissioner to impose a civil penalty not to exceed \$500 for each violation. Each separate day on which a violation occurs is considered a separate violation.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 3:41-47)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Agriculture, Forestry,
Aquaculture, and Rural Development to the original bill

1. Technical amendments only.