

SENATE BILL NO. 183

BY SENATORS THOMPSON, ALLAIN AND LONG AND REPRESENTATIVES
ANDERS, CARMODY, CHANEY, GISCLAIR, GUINN AND
JACKSON

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

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AN ACT

To enact Chapter 1-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:41 through 47, relative to the regulation of unmanned aerial systems in agricultural commercial operations; to provide for definitions; to authorize the commissioner to adopt rules; to provide for license and registration requirements; to provide relative to the operation of unmanned aerial systems; to provide for violations; to authorize the commissioner to issue stop orders; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1-A of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:41 through 47 is hereby enacted to read as follows:

CHAPTER 1-A. UNMANNED AERIAL SYSTEMS

§41. Definitions

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

(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 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

1 farm practices.

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

4 (3) "Commissioner" means the Louisiana commissioner of agriculture
5 and forestry.

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

8 (5) "Department" means the Louisiana Department of Agriculture and
9 Forestry.

10 (6) "Unmanned aerial system" means an unmanned aircraft and all
11 associated support equipment, control station, data links, telemetry,
12 communications, and navigation equipment necessary to operate the unmanned
13 aircraft. Such system may include drones, remote-controlled aircraft,
14 unmanned aircraft, or any other such aircraft that is controlled autonomously
15 by computer or remote control from the ground.

16 §42. Powers of the commissioner

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

22 B. The commissioner shall administer and enforce the provisions of this
23 Chapter and the rules and regulations adopted pursuant to the provisions of
24 this Chapter.

25 C. The commissioner may appoint committees to advise on the
26 implementation of the provisions of this Chapter. The appointed committees
27 shall include public universities holding certificates of authorization from the
28 Federal Aviation Administration as well as other active university research
29 programs.

30 §43. Licenses and registration

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

4 (1) Applicants shall submit a written application to the department as
5 provided by the commissioner by rule.

6 (2) Prior to applying for a license, each applicant shall complete an
7 agricultural education and safety training course administered by the Louisiana
8 cooperative extension service and comply with any other licensing requirements
9 established by the commissioner by rule.

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

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

15 §44. Unmanned aerial systems; operation

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

19 B.(1) Private landowners engaged in agricultural commercial operations
20 on their private property may use unmanned aerial systems within the
21 geographical confines of their property.

22 (2) Producers, tenants, lessees, university researchers, or other
23 contracted or hired personnel working on private property who are engaged in
24 agricultural commercial operations may use unmanned aerial systems within
25 the geographical confines of the property, only with written permission of the
26 landowner or entity controlling the agricultural commercial use of the property.

27 (3) Data obtained through the use of an unmanned aerial system shall be
28 used solely in the course of conducting a generally accepted agricultural
29 commercial operation, or in conjunction with an agricultural research,
30 extension program, or initiative conducted by a Louisiana public postsecondary

1 educational institution.

2 (4) All data obtained through the use of an unmanned aerial system shall
3 remain the property of the legal owner of the property where the data was
4 collected, unless written approval is given by the property owner for other uses.
5 Public universities conducting agricultural research may negotiate with the
6 legal owner of the property for the terms of use or shared ownership of the data.

7 §45. Violations

8 Violations of this Part shall include but shall not be limited to the
9 following:

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

12 (2) The failure or refusal to register an unmanned aerial system operated
13 in the course of an agricultural commercial operation in accordance with R.S.
14 3:43.

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

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

19 (5) Failure to timely pay any penalties or costs due pursuant to the
20 provisions of this Chapter or any rule or regulation of the commissioner
21 adopted pursuant to this Chapter.

22 §46. Stop orders

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

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

27 C. A stop order may be released by the commissioner upon a
28 determination by the commissioner that the cause for issuing the stop order has
29 been remedied.

30 D. Any person aggrieved by a stop order may petition the commissioner

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

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

10 (1) Release the stop order.

11 (2) Require the cause for the stop order to be remedied prior to releasing
12 the stop order.

13 (3) Amend the stop order.

14 §47. Penalties

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

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

22 C. The commissioner shall designate a hearing officer to preside at all
23 adjudicatory proceedings.

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

26 E. Whenever the commissioner makes a determination from the
27 proceedings of the adjudicatory hearing that a violation of this Chapter or these
28 regulations has occurred, the commissioner may impose a civil penalty not to
29 exceed five hundred dollars for each violation. Civil penalties shall be imposed
30 only on the basis of an adjudication of violations pursuant to an adjudicatory

1 hearing held in accordance with the Administrative Procedure Act.

2 F. Each separate day on which a violation occurs shall be considered a
3 separate violation.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____