



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2085

Introduced 2/7/2023, by Rep. Anne Stava-Murray

#### SYNOPSIS AS INTRODUCED:

620 ILCS 5/42.1

Amends the Illinois Aeronautics Act. Defines "National Airspace System". Provides that State-level oversight of unmanned aircraft systems does not deprive any unit of local government of the right to or impede any unit of local government in regulating the use of the first 150 feet above ground level of any public property intended or permitted to be used for recreational or conservation purposes. Effective Immediately.

LRB103 05258 HEP 50276 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Aeronautics Act is amended by  
5 changing Section 42.1 as follows:

6 (620 ILCS 5/42.1)

7 Sec. 42.1. Regulation of unmanned aircraft systems.

8 (a) As used in this Section:

9 "National Airspace System" means that airspace above  
10 ground level, not used by the property owner, and over which  
11 the federal government and the State of Illinois have  
12 regulatory authority. "National Airspace System" does not  
13 include the first 150 feet above ground level of any public  
14 property that is used for recreational or conservation  
15 purposes, including, but not limited to, parks, playgrounds,  
16 open areas, buildings or other enclosed recreational  
17 facilities.

18 "Unmanned aircraft" means a device used or intended to be  
19 used for flight in the air that is operated without the  
20 possibility of direct human intervention within or on the  
21 device.

22 "Unmanned aircraft system" means an unmanned aircraft and  
23 its associated elements, including communication links and the

1 components that control the unmanned aircraft, that are  
2 required for the safe and efficient operation of the unmanned  
3 aircraft in the National Airspace System ~~national airspace~~  
4 ~~system~~.

5 (b) Except as otherwise provided in this Section, to ~~to~~  
6 the extent that State-level oversight does not conflict with  
7 federal laws, rules, or regulations, the regulation of an  
8 unmanned aircraft system is an exclusive power and function of  
9 the State. No unit of local government, including a home rule  
10 unit, may enact an ordinance or resolution to regulate  
11 unmanned aircraft systems in the National Airspace System.  
12 Nothing in this Section deprives a unit of local government of  
13 the right to regulate or impedes a unit of local government in  
14 regulating the use of the first 150 feet above ground level of  
15 any public property intended or permitted to be used for  
16 recreational or conservation purposes, including, but not  
17 limited to, parks, playgrounds, open areas, buildings, or  
18 other enclosed recreational facilities. This Section is a  
19 denial and limitation of home rule powers and functions under  
20 subsection (h) of Section 6 of Article VII of the Illinois  
21 Constitution. This Section does not apply to any local  
22 ordinance enacted by a municipality of more than 1,000,000  
23 inhabitants.

24 (c) Nothing in this Section shall infringe or impede any  
25 current right or remedy available under existing State law.

26 (d) The Department may adopt any rules that it finds

1 appropriate to address the safe and legal operation of  
2 unmanned aircraft systems in this State, so that those engaged  
3 in the operation of unmanned aircraft systems may so engage  
4 with the least possible restriction, consistent with their  
5 safety and with the safety and the rights of others, and in  
6 compliance with federal rules and regulations.

7 (Source: P.A. 100-735, eff. 8-3-18.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.