

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 "Critical infrastructure" has the meaning given in
10 subsection (e) of Section 1016 of the USA Patriot Act of 2001
11 (42 U.S.C. 5195c(e)).

12 "Unmanned aircraft" means a device used or intended to be
13 used for flight in the air that is operated without the
14 possibility of direct human intervention within or on the
15 device.

16 "Unmanned aircraft system" means an unmanned aircraft and
17 its associated elements, including communication links and the
18 components that control the unmanned aircraft, that are
19 required for the safe and efficient operation of the unmanned
20 aircraft in the National Airspace System ~~national airspace~~
21 ~~system~~.

22 (b) Except as otherwise provided in this Section, to ~~to~~
23 the extent that State-level oversight does not conflict with

1 federal laws, rules, or regulations, the regulation of an
2 unmanned aircraft system is an exclusive power and function of
3 the State. No unit of local government, including home rule
4 unit, may enact an ordinance or resolution to regulate
5 unmanned aircraft systems. This Section is a denial and
6 limitation of home rule powers and functions under subsection
7 (h) of Section 6 of Article VII of the Illinois Constitution.
8 This Section does not apply to any local ordinance enacted by a
9 municipality of more than 1,000,000 inhabitants.

10 (b-5) Nothing in this Section shall be construed to deny a
11 unit of local government the right to adopt reasonable rules
12 related to the use by a private party of airspace that is above
13 ground level of public property owned or controlled by that
14 unit of local government. This subsection applies to publicly
15 owned or controlled property that is intended or permitted to
16 be used for recreational or conservation purposes, including,
17 but not limited to, parks, playgrounds, aquatic facilities,
18 wildlife areas, or other recreational facilities. This
19 subsection does not authorize restricting or limiting the use
20 of unmanned aircraft systems when such usage is by commercial
21 users for business operations in connection with critical
22 infrastructure. Reasonable rules adopted pursuant to this
23 subsection shall not supersede any administrative rules
24 adopted by the Department or any federal laws, rules, or
25 regulations.

26 (c) Nothing in this Section shall infringe or impede any

1 current right or remedy available under existing State law.

2 (d) The Department may adopt any rules that it finds
3 appropriate to address the safe and legal operation of
4 unmanned aircraft systems in this State, so that those engaged
5 in the operation of unmanned aircraft systems may so engage
6 with the least possible restriction, consistent with their
7 safety and with the safety and the rights of others, and in
8 compliance with federal rules and regulations.

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