

SB1981



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1981

Introduced 2/9/2023, by Sen. Ram Villivalam

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 04875 HEP 49885 b

A BILL FOR

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.