



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2849

Introduced 1/19/2024, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

620 ILCS 5/42.1

Amends the Illinois Aeronautics Act. Allows a unit of local government to adopt reasonable rules related to the use of the first 150 feet of airspace that is above ground level of public property owned or controlled by that unit of local government. Establishes that a unit of local government may only adopt rules for publicly owned or controlled property that is intended or permitted to be used for recreational or conservation purposes, including, but not limited to, parks, playgrounds, aquatic facilities, wildlife areas, or other recreational facilities. Provides that reasonable rules adopted by a unit of local government shall not supersede any administrative rules adopted by the Department of Transportation. Effective immediately.

LRB103 35700 MXP 65776 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 "Unmanned aircraft" means a device used or intended to be  
10 used for flight in the air that is operated without the  
11 possibility of direct human intervention within or on the  
12 device.

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

19 (b) Except as otherwise provided in this Section, to ~~to~~  
20 the extent that State-level oversight does not conflict with  
21 federal laws, rules, or regulations, the regulation of an  
22 unmanned aircraft system is an exclusive power and function of  
23 the State. No unit of local government, including home rule

1 unit, may enact an ordinance or resolution to regulate  
2 unmanned aircraft systems. This Section is a denial and  
3 limitation of home rule powers and functions under subsection  
4 (h) of Section 6 of Article VII of the Illinois Constitution.  
5 This Section does not apply to any local ordinance enacted by a  
6 municipality of more than 1,000,000 inhabitants.

7 (b-1) Nothing in this Section shall be construed to deny a  
8 unit of local government the right to adopt reasonable rules  
9 related to the use by a private party of the first 150 feet of  
10 airspace that is above ground level of public property owned  
11 or controlled by that unit of local government. This  
12 subsection shall apply to publicly owned or controlled  
13 property that is intended or permitted to be used for  
14 recreational or conservation purposes, including, but not  
15 limited to, parks, playgrounds, aquatic facilities, wildlife  
16 areas, or other recreational facilities. Reasonable rules  
17 adopted pursuant to this subsection shall not supersede any  
18 administrative rules adopted by the Department.

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

21 (d) The Department may adopt any rules that it finds  
22 appropriate to address the safe and legal operation of  
23 unmanned aircraft systems in this State, so that those engaged  
24 in the operation of unmanned aircraft systems may so engage  
25 with the least possible restriction, consistent with their  
26 safety and with the safety and the rights of others, and in

1 compliance with federal rules and regulations.

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

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.