

By: Senator(s) Fillingane, England

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2146

1 AN ACT TO ENACT THE UNCREWED AIRCRAFT SYSTEMS' RIGHTS AND
2 AUTHORITIES ACT; TO DEFINE TERMS; TO PROVIDE THAT AN INDIVIDUAL,
3 IN COMPLIANCE WITH FEDERAL LAW, MAY OPERATE AN UNCREWED AIRCRAFT
4 SYSTEM FOR RECREATIONAL PURPOSES WITHIN THIS STATE; TO PROVIDE
5 THAT AN INDIVIDUAL OR BUSINESS ENTITY, DOING BUSINESS LAWFULLY
6 WITHIN THIS STATE AND IN COMPLIANCE WITH FEDERAL LAW, MAY OPERATE
7 OR USE AN UNCREWED AIRCRAFT SYSTEM FOR COMMERCIAL PURPOSES WITHIN
8 THIS STATE; TO PROVIDE THAT A PERSON MAY BE GUILTY OF AN OFFENSE
9 COMMITTED WITH THE AID OF AN UNCREWED AIRCRAFT SYSTEM IF THE
10 ACTIVITY PERFORMED WITH THE AID OF THE UNCREWED AIRCRAFT SYSTEM
11 WOULD HAVE GIVEN RISE TO LIABILITY IF IT WAS PERFORMED DIRECTLY BY
12 THE PERSON WITHOUT THE AID OF AN UNCREWED AIRCRAFT SYSTEM; TO
13 PROVIDE FOR THE REGULATORY AUTHORITY OF THE STATE AND ITS
14 POLITICAL SUBDIVISIONS; TO PROVIDE THAT NOTHING IN THE ACT SHALL
15 PREEMPT FEDERAL LAW; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** This act shall be known and may be cited as the
18 "Uncrewed Aircraft Systems' Rights and Authorities Act."

19 **SECTION 2.** As used in this act, the following terms shall
20 have the meanings herein ascribed unless the context clearly
21 indicates otherwise:

22 (a) "Airspace" means the space above the land and
23 waters of this state.



24 (b) "Uncrewed aircraft" means an aircraft that is
25 operated without the possibility of direct human intervention from
26 within or on the aircraft.

27 (c) "Uncrewed aircraft system" means an uncrewed
28 aircraft and associated elements, including communication links
29 and the components that control the uncrewed aircraft, that are
30 required for the pilot in command to operate safely and
31 efficiently in the national airspace system.

32 **SECTION 3.** (1) An individual, in compliance with federal
33 law, may operate an uncrewed aircraft system for recreational
34 purposes within this state.

35 (2) An individual or business entity, doing business
36 lawfully within this state and in compliance with federal law, may
37 operate or use an uncrewed aircraft system for commercial purposes
38 within this state.

39 (3) An owner of an uncrewed aircraft or uncrewed aircraft
40 system shall not be required to register such aircraft or system
41 beyond what may be required by federal law and regulations.

42 **SECTION 4.** (1) A person is liable for an act or guilty of
43 an offense committed with the aid of an uncrewed aircraft system
44 if the uncrewed aircraft system is under the person's operation or
45 control and the activity performed with the aid of the uncrewed
46 aircraft system would have given rise to civil or criminal
47 liability under the laws of this state, if it was performed



48 directly by the person without the aid of an uncrewed aircraft
49 system.

50 (2) An uncrewed aircraft can be the instrumentality by which
51 a tort in violation of privacy rights may be committed under
52 federal or state law.

53 **SECTION 5. Regulatory authority.** (1) The state, through a
54 duly adopted and enforceable agency-issued rule or regulation or
55 other grant of authority, may:

56 (a) Provide for the operation of an uncrewed aircraft
57 system by or on behalf of the state or that is owned by the state;
58 and

59 (b) Provide for or prohibit:

60 (i) The launch of an uncrewed aircraft from
61 property owned by the state;

62 (ii) The intentional landing of an uncrewed
63 aircraft onto property owned by the state; or

64 (iii) The presence of a pilot actively in command
65 of such uncrewed aircraft system on property owned by the state.

66 (2) (a) Except as otherwise expressly provided in this
67 section, a political subdivision may not enact or enforce an
68 ordinance that relates to the:

69 (i) Ownership, operation, design, manufacture,
70 testing, maintenance, licensing, registration, or certification of
71 an uncrewed aircraft system, including, but not limited to,
72 airspace, altitude, flight paths, or equipment requirements; or



73 (ii) Qualifications, training, or certification of
74 a pilot, operator, or observer of an uncrewed aircraft system.

75 (b) This subsection does not limit the authority of a
76 political subdivision to:

77 (i) Adopt an ordinance that enforces Federal
78 Aviation Administration restrictions;

79 (ii) Adopt or enforce an ordinance that relates to
80 the operation of an uncrewed aircraft system:

81 1. By or on behalf of such political
82 subdivision; or

83 2. That is owned by such political
84 subdivision;

85 (iii) Adopt or enforce generally applicable
86 ordinances that relate to nuisances, voyeurism, harassment,
87 reckless endangerment, property damage, or other illegal acts
88 arising from the use of uncrewed aircraft systems, so long as such
89 ordinances are not specifically related to the use of an uncrewed
90 aircraft system for those illegal acts; or

91 (iv) Adopt or enforce an ordinance that regulates:

92 1. The launch of an uncrewed aircraft from
93 property owned by the political subdivision;

94 2. The intentional landing of an uncrewed
95 aircraft onto property owned by the political subdivision; or



96 3. The presence of a pilot actively in
97 command of such uncrewed aircraft system on property owned by the
98 political subdivision.

99 (3) Nothing in this section shall be construed to prohibit:

100 (a) The take-off or landing of an uncrewed aircraft as
101 deemed reasonable or necessary by private or public entities for
102 emergency or maintenance support functions or services, including
103 the protection and maintenance of public or private critical
104 infrastructure, including broadband infrastructure;

105 (b) The landing of an uncrewed aircraft by an operator
106 in compliance with Federal Aviation Administration regulations as
107 deemed reasonable or necessary by the operator in the event of a
108 technical malfunction of an uncrewed aircraft system;

109 (c) The take-off or landing of an uncrewed aircraft
110 being operated by a sworn public safety officer in the performance
111 of his duties; or

112 (d) The take-off or landing of an uncrewed aircraft
113 owned or operated by the United States government, or any operator
114 under contract with any agency of the United States government, in
115 performance of his assigned duties.

116 **SECTION 6.** Nothing in this act shall preempt the exclusive
117 sovereignty of airspace of the United States as set forth in
118 federal law. Any interpretation or application of any provision
119 of this act that contradicts the exclusive authority of the United
120 States government to regulate the operation of uncrewed aircraft



121 and uncrewed aircraft systems in the airspace of the United States
122 shall be null.

123 **SECTION 7.** This act shall take effect and be in force from
124 and after July 1, 2023.

