

CHAPTER 153**(HB 540)**

AN ACT relating to aviation safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 183 IS CREATED TO READ AS FOLLOWS:

- (1) *A commercial airport may prepare an unmanned aircraft facility map. In preparing the map, a commercial airport shall consult with the Federal Aviation Administration air traffic control tower at the airport,*
- (2) *Any unmanned aircraft facility map developed by a commercial airport shall be filed with the secretary of the airport board and shall be prominently displayed on the airport's Web site.*
- (3) *An unmanned aircraft facility map shall not extend beyond the approach surface areas specifically described in 14 C.F.R. sec. 77.19(d), and as published in the official airport master plan record.*
- (4) *If the Federal Aviation Administration creates and makes available a map for the commercial airport that restricts the areas where it is unsafe to operate an unmanned aircraft in the areas described in 14 C.F.R. sec. 77.19(d), that map shall be the unmanned aircraft facility map of the commercial airport.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 183 IS CREATED TO READ AS FOLLOWS:

- (1) *An operator of an unmanned aircraft or a direct supervisor of an operator of an unmanned aircraft, if that direct supervisor holds a remote pilot certificate under 14 C.F.R. Part 107, shall not operate or allow an unmanned aircraft to operate:*
 - (a) *In a manner that allows an incursion of an unmanned aircraft into areas prohibited for the operation, taking off, and landing of an unmanned aircraft as designated by a commercial airport's unmanned aircraft facility map, except with the approval of the commercial airport operator; or*
 - (b) *In a reckless manner so as to create a risk of serious physical injury to another or a risk of damage to property.*
- (2) *The provisions of this section shall not apply to an operator of an unmanned aircraft for a commercial purpose in compliance with Federal Aviation Administration regulations, authorizations, or exemptions.*

➔Section 3. KRS 183.011 is amended to read as follows:

- (1) "Aeronautics" means the science and art of flight and including, but not limited to transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto;
- (2) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air;
- (3) "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon any airport within this state;
- (4) "Air navigation facility" means any facility other than one owned or controlled by the United States, used in, available for use in, or designed for use in, aid of air navigation, including airports, rights, interests, or easements in the navigable air space, and any structures, mechanisms, lights, beacons, markers, communicating systems, or other instruments or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities;
- (5) "Airport" means any area, of land or water, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport building or other airport facilities, and all appurtenant rights-of-way, whether theretofore or hereinafter established;

- (6) "Airport board," "airboard," or "board" means a board established as provided in this chapter and any airport board or airboard created pursuant to the provisions of KRS Chapter 183 as it existed prior to the enactment of 1960 Ky. Acts ch. 179 shall be deemed to have been established pursuant to this chapter with all of the powers, functions, and duties as herein prescribed;
- (7) "Airport facilities" includes land, buildings, equipment, runways, and other improvements and appurtenances necessary for the establishment and maintenance of airports;
- (8) "Airport hazard" means any structure, object, or natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off;
- (9) "Certificate" means a certificate issued by the cabinet;
- (10) "Civil aircraft" means any aircraft other than a public aircraft;
- (11) "Charter operator" means all persons who transport or seek to transport persons or property in intrastate commerce for hire on unscheduled service and not between fixed points;
- (12) ***"Commercial airport" means an airport certified by the Federal Aviation Administration in accordance with 14 C.F.R. Part 139;***
- (13) "Common carrier" shall include all carriers for hire or compensation by air who operate, or seek to operate, over fixed routes or between fixed termini within the Commonwealth of Kentucky;
- ~~(14)(13)~~ "Commuter air carrier" means a common carrier of persons or property in intrastate commerce for hire or compensation by air, operating under federal aviation regulation (FAR) Part 135 or other appropriate parts or regulations and who operates or seeks to operate on regular schedules with multi-engine aircraft between two (2) or more fixed airport termini or over fixed routes only within the Commonwealth of Kentucky and publishes flight schedules which specify the times, days of week, and places between which such flights are performed;
- ~~(15)(14)~~ "Development" and "airport development" mean:
- (a) Any work involved in planning, designing, constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, and repair of airport buildings and the removal, lowering, relocation, and marking and lighting of airport hazards; and
 - (b) Any acquisition of land, or any interest therein, or of any easement through or other interest in air space which is necessary to permit any required work or to remove, mitigate, prevent, or limit the establishment of airport hazards and expenses incident to the carrying out of the provisions of this chapter;
- ~~(16)(15)~~ "Navigable air space" means air space above the minimum altitudes of flight prescribed by the regulations of the Federal Aviation Administration or cabinet consistent therewith, and includes the air space necessary for normal landing or take off of aircraft;
- ~~(17)(16)~~ ***"Operate," as pertains to an unmanned aircraft, means the actions taken by an operator of an unmanned aircraft. "Operate" refers only to the actions of an operator on the ground and is not intended to regulate an unmanned aircraft flying in navigable airspace;***
- (18) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the air space over this state, or upon any airport within this state. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control as owner, lessee, or otherwise of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the statutes of this state;
- (19) ***"Operator" means a person operating or flying an unmanned aircraft;***
- ~~(20)(17)~~ "Overhead line" means any cable, pipeline, wire, or similar substance of any kind or description;
- ~~(21)(18)~~ "Permit" means a permit issued by the cabinet;
- ~~(22)(19)~~ "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of the state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes;

- (23)~~(20)~~ "Public airport" means any airport which is used or to be used for public purposes under the control of a public agency, the landing area of which is publicly owned;
- (24)~~(21)~~ "Public use airport" means any airport in the state airport plan open for use by the general public, not including a private airport used primarily for the benefit of the owner;
- (25)~~(22)~~ "State airport plan" means the plan of the cabinet for the development of public and certain private airports for the benefit of the people of this state;
- (26)~~(23)~~ "State airway" means a route in the navigable air space over the lands or waters of this state, designated by the cabinet as a route suitable for air navigation;
- (27)~~(24)~~ "Structure" means any object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, and overhead transmission lines;~~and~~
- (28)~~(25)~~ "Tree" includes objects of natural growth;
- (29) *"Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft; and*
- (30) *"Unmanned aircraft facility map" means a map that may be developed by a commercial airport to display the airport facility's airspace overlaid with latitude and longitude rectangular gridlines, or any other commercially available system, that reflects the areas where it is unsafe to operate an unmanned aircraft without authorization by the commercial airport operator on property owned by a commercial airport and in specific areas consistent with obstructions to navigation under 14 C.F.R. Part 77.*

➔Section 4. KRS 183.990 is amended to read as follows:

- (1) Any person violating any of the provisions of this chapter with respect to operation of aircraft, or violating the provisions of any rule, regulation, or ordinance adopted under KRS 183.133(6), shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) or imprisoned not more than ninety (90) days or both.
- (2) Each violation of the statutes pertaining to the state airport zoning commission or of any order, rule, or regulation promulgated pursuant thereto shall be punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisonment for not more than thirty (30) days or both and each day a violation continues to exist shall constitute a separate offense.
- (3) Any person who violates the provisions of KRS 183.886 shall be fined not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) or shall be imprisoned in the county jail for not less than ten (10) nor more than ninety (90) days, or both.
- (4) Any person who violates the provisions of KRS 183.887(2) *or Section 2 of this Act* shall be guilty of:
 - (a) A Class A misdemeanor; or
 - (b) A Class D felony, if the violation causes a significant change of course or a serious disruption to the safe travel of the aircraft that threatens the physical safety of the passengers and crew of the aircraft.

Vetoed March 27, 2017; became law without Governor's signature when veto overridden March 29, 2017.