

1 AN ACT relating to aviation safety.

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

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

5 *(1) An airport may prepare an unmanned aircraft facility map. If an airport has an*
6 *air traffic control tower operated by the Federal Aviation Administration, the*
7 *airport shall consult with the air traffic control tower in preparing the map.*

8 *(2) Any unmanned aircraft facility map developed by an airport shall be filed with*
9 *the secretary of the airport board and shall be prominently displayed on the*
10 *airport's Web site.*

11 *(3) An unmanned aircraft facility map shall not extend beyond the approach surface*
12 *areas specifically described in 14 C.F.R. Part 77.19(d), and as published in the*
13 *official airport master plan record.*

14 *(3) If the Federal Aviation Administration creates and makes available a map for the*
15 *airport that restricts the areas where it is unsafe to operate an unmanned aircraft*
16 *in the areas described in 14 C.F.R. Part 77.19(d), that map shall be the*
17 *unmanned aircraft facility map of the airport.*

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

20 *(1) An operator of an unmanned aircraft or a direct supervisor of an operator of an*
21 *unmanned aircraft, if that direct supervisor holds a remote pilot certificate under*
22 *14 C.F.R. Part 107, shall not operate or allow an unmanned aircraft to operate:*

23 *(a) In a manner that allows an incursion of an unmanned aircraft into areas*
24 *prohibited for the operation, taking off, and landing of an unmanned*
25 *aircraft as designated by an airport's unmanned aircraft facility map,*
26 *except with the approval of the airport operator; or*

27 *(b) In a reckless manner so as to create a risk of serious physical injury to*

1 another or a risk of damage to property.

2 (2) The provisions of this section shall not apply to an operator of an unmanned
3 aircraft for a commercial purpose in compliance with Federal Aviation
4 Administration regulations, authorizations, or exemptions.

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

6 (1) "Aeronautics" means the science and art of flight and including, but not limited to
7 transportation by aircraft; the operation, construction, repair, or maintenance of
8 aircraft, aircraft power plants, and accessories, including the repair, packing, and
9 maintenance of parachutes; the design, establishment, construction, extension,
10 operation, improvement, repair, or maintenance of airports or other air navigation
11 facilities; and instruction in flying or ground subjects pertaining thereto;

12 (2) "Aircraft" means any contrivance now known, or hereafter invented, used or
13 designed for navigation of or flight in the air;

14 (3) "Air navigation" means the operation or navigation of aircraft in the air space over
15 this state, or upon any airport within this state;

16 (4) "Air navigation facility" means any facility other than one owned or controlled by
17 the United States, used in, available for use in, or designed for use in, aid of air
18 navigation, including airports, rights, interests, or easements in the navigable air
19 space, and any structures, mechanisms, lights, beacons, markers, communicating
20 systems, or other instruments or devices used or useful as an aid, or constituting an
21 advantage or convenience, to the safe taking off, navigation, and landing of aircraft,
22 or the safe and efficient operation or maintenance of an airport, and any
23 combination of any or all of such facilities;

24 (5) "Airport" means any area, of land or water, which is designed for the landing and
25 take-off of aircraft, whether or not facilities are provided for the shelter, servicing,
26 or repair of aircraft, or for receiving or discharging passengers or cargo, and all
27 appurtenant areas used or suitable for airport building or other airport facilities, and

- 1 all appurtenant rights-of-way, whether theretofore or hereinafter established;
- 2 (6) "Airport board," "airboard," or "board" means a board established as provided in
3 this chapter and any airport board or airboard created pursuant to the provisions of
4 KRS Chapter 183 as it existed prior to the enactment of 1960 Ky. Acts ch. 179 shall
5 be deemed to have been established pursuant to this chapter with all of the powers,
6 functions, and duties as herein prescribed;
- 7 (7) "Airport facilities" includes land, buildings, equipment, runways, and other
8 improvements and appurtenances necessary for the establishment and maintenance
9 of airports;
- 10 (8) "Airport hazard" means any structure, object, or natural growth, or use of land,
11 which obstructs the air space required for the flight of aircraft in landing or taking
12 off at any airport or is otherwise hazardous to such landing or taking off;
- 13 (9) "Certificate" means a certificate issued by the cabinet;
- 14 (10) "Civil aircraft" means any aircraft other than a public aircraft;
- 15 (11) "Charter operator" means all persons who transport or seek to transport persons or
16 property in intrastate commerce for hire on unscheduled service and not between
17 fixed points;
- 18 (12) "Common carrier" shall include all carriers for hire or compensation by air who
19 operate, or seek to operate, over fixed routes or between fixed termini within the
20 Commonwealth of Kentucky;
- 21 (13) "Commuter air carrier" means a common carrier of persons or property in intrastate
22 commerce for hire or compensation by air, operating under federal aviation
23 regulation (FAR) Part 135 or other appropriate parts or regulations and who
24 operates or seeks to operate on regular schedules with multi-engine aircraft between
25 two (2) or more fixed airport termini or over fixed routes only within the
26 Commonwealth of Kentucky and publishes flight schedules which specify the
27 times, days of week, and places between which such flights are performed;

- 1 (14) "Development" and "airport development" mean:
- 2 (a) Any work involved in planning, designing, constructing, improving, or
- 3 repairing a public airport or portion thereof, including the construction,
- 4 alteration, and repair of airport buildings and the removal, lowering,
- 5 relocation, and marking and lighting of airport hazards; and
- 6 (b) Any acquisition of land, or any interest therein, or of any easement through or
- 7 other interest in air space which is necessary to permit any required work or to
- 8 remove, mitigate, prevent, or limit the establishment of airport hazards and
- 9 expenses incident to the carrying out of the provisions of this chapter;
- 10 (15) "Navigable air space" means air space above the minimum altitudes of flight
- 11 prescribed by the regulations of the Federal Aviation Administration or cabinet
- 12 consistent therewith, and includes the air space necessary for normal landing or take
- 13 off of aircraft;
- 14 (16) **"Operate," as pertains to an unmanned aircraft, means the actions taken by an**
- 15 **operator of an unmanned aircraft. "Operate" refers only to the actions of an**
- 16 **operator on the ground and is not intended to regulate an unmanned aircraft**
- 17 **flying in navigable airspace.**
- 18 **(17)** "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of
- 19 aircraft in the air space over this state, or upon any airport within this state. Any
- 20 person who causes or authorizes the operation of aircraft, whether with or without
- 21 the right of legal control as owner, lessee, or otherwise of the aircraft, shall be
- 22 deemed to be engaged in the operation of aircraft within the meaning of the statutes
- 23 of this state;
- 24 **(18) "Operator" means a person operating or flying an unmanned aircraft.**
- 25 **(19)**~~(17)~~ "Overhead line" means any cable, pipeline, wire, or similar substance of any
- 26 kind or description;
- 27 **(20)**~~(18)~~ "Permit" means a permit issued by the cabinet;

1 ~~(21)~~~~(19)~~ "Public aircraft" means an aircraft used exclusively in the service of any
2 government or of any political subdivision thereof, including the government of the
3 state, territory, or possession of the United States, or the District of Columbia, but
4 not including any government-owned aircraft engaged in carrying persons or
5 property for commercial purposes;

6 ~~(22)~~~~(20)~~ "Public airport" means any airport which is used or to be used for public
7 purposes under the control of a public agency, the landing area of which is publicly
8 owned;

9 ~~(23)~~~~(21)~~ "Public use airport" means any airport in the state airport plan open for use by
10 the general public, not including a private airport used primarily for the benefit of
11 the owner;

12 ~~(24)~~~~(22)~~ "State airport plan" means the plan of the cabinet for the development of
13 public and certain private airports for the benefit of the people of this state;

14 ~~(25)~~~~(23)~~ "State airway" means a route in the navigable air space over the lands or
15 waters of this state, designated by the cabinet as a route suitable for air navigation;

16 ~~(26)~~~~(24)~~ "Structure" means any object constructed or installed by man, including, but
17 not limited to, buildings, towers, smokestacks, and overhead transmission lines;~~f~~
18 ~~and~~

19 ~~(27)~~~~(25)~~ "Tree" includes objects of natural growth;

20 **(28) "Unmanned aircraft" means an aircraft operated without the possibility of direct**
21 **human intervention from within or on the aircraft; and**

22 **(29) "Unmanned aircraft facility map" means a map that may be developed by an**
23 **airport to display the airport facility's airspace overlaid with latitude and**
24 **longitude rectangular gridlines, or any other commercially available system, that**
25 **reflects the areas where it is unsafe to operate an unmanned aircraft without**
26 **authorization by the airport operator on property owned by an airport and in**
27 **specific areas consistent with obstructions to navigation under 14 C.F.R. Part 77.**

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

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