

Section 2:

An operator or a direct supervisor of an operator shall not allow an unmanned aircraft to be operated in a prohibited area or in a reckless manner. **Per Section 4**, any person that operates or allows to be operated an unmanned aircraft in a prohibited area or in a reckless manner is guilty of a Class A misdemeanor or a Class D felony if the violation significantly interferes or seriously disrupts the travel of an aircraft and thus, threatening the physical safety of those onboard the aircraft.

Section 3:

“Commercial airport” means an airport certified by the Federal Aviation Administration in accordance with 14 C.F.R. Part 139

“Operate” means the actions of an operator on the ground. The term is not intended to regulate an unmanned aircraft.

“Operator” is the person operating or flying the unmanned aircraft.

“Unmanned aircraft” is an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

“Unmanned aircraft facility map” means the map that may be developed by an airport to display the airports airspace showing where it is unsafe to operate an unmanned aircraft.

HB 540 SCS retains the major provisions of the measure as introduced and makes the following changes in the bill:

In Section 3, the definition of “commercial airport” is added and is defined as an airport certified by the Federal Aviation Administration in accordance with 14 C.F.R. Part 139.

In Section 1 and 2, it is clarified airport means commercial airport.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 540 SCS on local governments is expected to be minimal, but as the use of unmanned aircraft continues to grow in popularity and availability, the impact may increase accordingly.

There will be minor cost involved regarding the dissemination of the new law and training at the local level.

Any person that operates or allows to be operated an unmanned aircraft in a prohibited area or in a reckless manner is guilty of a Class A misdemeanor or a Class D felony.

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky’s 76 full service jails or five life

safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Data Source(s): LRC Staff

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