

SENATE BILL 2634

By Green

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3; Title 39; Title 42; Title 49; Title 54; Title 55 and Title 70, relative to unmanned aerial systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 23, is amended by adding the following language as new sections:

4-3-2313.

(a) The commissioner of transportation, in consultation with the commissioner of safety, is directed to petition the federal aviation administration for a certificate of authority to operate unmanned aerial systems within the navigable airspace of each of the three (3) grand divisions of the state, beginning with the middle grand division, in accordance with 49 U.S.C. § 40101, § 40102(a), and § 40125(b), for the following purposes:

- (1) Structural inspections, including, but not limited to, inspections of bridges, dikes, and dams;
- (2) Medical and emergency response applications;
- (3) Inspections of wire lines, gas lines, and water lines;
- (4) Disaster responses, including, but not limited to, damage, rescue operation, and hazardous material spill assessments;
- (5) State park, natural resource, and wildlife assessments;
- (6) Educational purposes; and
- (7) Police, emergency medical service, and firefighting applications, in accordance with state law.

(b) The commissioner of transportation shall promulgate rules necessary to effectuate the purposes of this section. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

4-3-2314. No political subdivision may by ordinance, resolution, or any other means prohibit the use of an unmanned aerial system within the jurisdictional boundaries of the political subdivision if the unmanned aerial system complies with all state and federal laws and regulations.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 12, is amended by adding the following language as a new section:

49-6-1210. If, during high school, a student provides to a high school evidence of completion of a college-level course or any accredited training program in which the student received training reasonably related to the launching, operating, and landing of unmanned aerial systems, then the student shall receive high school credit towards graduation for such training. Credit for the training may be substituted, upon the choice of the student, for the required credit in computer education or for credit in two (2) elective courses.

SECTION 3. Tennessee Code Annotated, Section 54-1-105(b), is amended by deleting the subsection and substituting instead the following:

(b) The commissioner shall:

(1) Cause to be made and kept blueprints and maps showing a general highway plan of the state. The plan shall consist of the main traveled roads that will, when improved, show and provide a connected system of improved highways throughout the state;

(2) Collect information and statistics with reference to the mileage, character, and condition of highways and bridges in the counties;

(3) Investigate and determine the method of road construction best adapted to the various sections;

(4) Establish standards for the construction and maintenance of highways in the counties, giving due regard to topography, natural conditions, availability of road material, prevailing traffic conditions, and ways and means of the counties to meet their portion of the cost of building and maintaining roads under this chapter and chapters 2 and 5 of this title; and

(5) Establish standards for the launching, operation, and landing of unmanned aerial systems used in connection with the construction and maintenance of highways and bridges in the counties, giving due regard to topography, natural conditions, availability of skilled labor and appropriate equipment, prevailing traffic conditions, and ways and means of the counties to meet their portion of the cost of building and maintaining roads under this title. Such standards shall be established in a manner that is consistent with any petition by the commissioner to the federal aviation administration for a certificate of authority to operate unmanned aerial systems pursuant to § 4-3-2313.

SECTION 4. Tennessee Code Annotated, Section 55-1-103(c), is amended by adding the following language at the end of the subsection:

"Motor vehicle" includes an unmanned aerial system weighing more than ten pounds (10 lbs.). "Unmanned aerial system" means an unmanned aircraft along with the associated support equipment, control station, data links, telemetry, and communication and navigation equipment necessary to operate the unmanned aircraft.

SECTION 5. Tennessee Code Annotated, Section 55-10-401, is amended by deleting the section and substituting instead the following:

(a) It is unlawful for any person to drive or to be in physical control of any automobile, other motor driven vehicle, or unmanned aerial system on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of

any shopping center, trailer park, or apartment house complex, or any other premises that are generally frequented by the public at large, while:

(1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess;

(2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08%) or more; or

(3) The person has a blood alcohol concentration of four-hundredths of one percent (0.04%) or more and the vehicle is a commercial motor vehicle as defined in § 55-50-102.

(b) As used in this section, "unmanned aerial system" means an unmanned aircraft, along with the associated support equipment, control station, data links, telemetry, and communication and navigation equipment necessary to operate the unmanned aircraft.

SECTION 6. Tennessee Code Annotated, Section 42-3-102, is amended by inserting the following as a new subdivision:

"Unmanned aerial system" means an unmanned aircraft, along with the associated support equipment, control station, data links, telemetry, and communication and navigation equipment necessary to operate the unmanned aircraft.

SECTION 7. Tennessee Code Annotated, Section 42-3-108(b), is amended by adding the following language at the end of the subsection:

For the purposes of this section, "motor vehicle traffic regulations" includes regulations reasonably related to the launching, operating, or landing of an unmanned aerial system.

SECTION 8. Tennessee Code Annotated, Section 42-3-113, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection:

(b) Notwithstanding subsection (a), no airport authority shall be authorized to prohibit the launching, operation, or landing of an unmanned aerial system; provided, an authority may reasonably regulate such activities in the interest of public safety.

SECTION 9. Tennessee Code Annotated, Section 42-4-107, is amended by adding the following language as a new subdivision:

(20) Establish regulations reasonably related to the launching, operation, and landing of unmanned aerial systems with the geographic area encompassed by the airport. As used in this subdivision (20), "unmanned aerial system" means an unmanned aircraft, along with the associated support equipment, control station, data links, telemetry, and communication and navigation equipment necessary to operate the unmanned aircraft.

SECTION 10. Tennessee Code Annotated, Section 42-4-112, is amended by deleting the section and substituting instead the following:

Nothing contained in this chapter shall be construed to limit any power of a municipality to regulate airport hazards by zoning, except that no metropolitan airport authority may designate as an airport hazard the launching, operation, or landing of unmanned aerial systems, or prohibit such activities.

SECTION 11. Tennessee Code Annotated, Section 54-21-102, is amended by inserting the following language as a new subdivision:

"Unmanned aerial system" means an unmanned aircraft weighing more than ten pounds (10 lbs.), along with the associated support equipment, control station, data links, telemetry, and communication and navigation equipment necessary to operate the unmanned aircraft.

SECTION 12. Tennessee Code Annotated, Section 54-21-112, is amended by deleting the section and substituting instead the following:

The commissioner shall have the authority to promulgate and enforce any rules necessary to:

- (1) Fully carry out this chapter and 23 U.S.C. § 131; and
- (2) Ensure the safe launching, operation, and landing of unmanned aerial systems, operated consistent with FAA regulations, for the purpose of updating, maintaining, performing maintenance on, or inspecting billboards regulated under this chapter.

SECTION 13. If any provision of this act or the act's application to any person or circumstance is held invalid by either a state or federal court, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 14. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2017, the public welfare requiring it.