An Agricultural Law Research Project

States’ Unmanned Aerial Vehicle Laws

Miscellaneous

Kentucky

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KY ST § 183.011 Definitions of Aviation Terms

(17) "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.

(29) "Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

(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. pt. 77.
KY ST § 183.085 Unmanned Aircraft Facility Map for Commercial Airport

(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.

KY ST § 183.086 Restrictions on Operation of Unmanned Aircraft; Exemption

(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.

KY ST § 446.010 Definitions of Statutes Generally

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(57) "Unmanned aircraft system" means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.

KY ST § 501.110 Offense Committed With the Aid of an Unmanned Aircraft System

A person is guilty of an offense committed with the aid of an unmanned aircraft system if the unmanned aircraft system is under his or her control and the conduct would have given rise to criminal liability for the offense if performed directly by the person, unless
the conduct consists solely of flying the unmanned aircraft system through navigable airspace in the normal course of operation of a legally registered unmanned aircraft system.

KY ST § 502.010 Liability for Conduct of Innocent or Irresponsible Person

(1) A person is guilty of an offense committed by an innocent or irresponsible person when he:
   (a) Acts with the culpability that is sufficient for commission of that offense; and
   (b) Causes that innocent or irresponsible person to engage in conduct constituting the offense.

(2) As used in this section, an “innocent or irresponsible person” includes anyone who is not guilty of the offense in question, despite his participation, because of:
   (a) Criminal irresponsibility or other legal incapacity or exemption; or
   (b) Unawareness of the criminal nature of the conduct in question or the defendant's criminal purpose; or
   (c) Any other factor precluding the mental state sufficient for the commission of the offense in question.

200 KY Admin Regs 3:020 – Section Three Use of State-Owned Facilities and Grounds

Section 3. Conditions Governing Use of State Facilities and Grounds.
(1) General conditions governing all state facilities and grounds to which visitors, applicants, and other persons visiting under application agree to abide.
   (a) Visitors shall comply with the Rules for Use of State Facilities and Grounds.
   (b) Visitors shall agree to be, and are, responsible for any vandalism, damage, breakage, loss, or other destruction caused by that individual, organization, or entity. In regards to historic properties, costs may include costs for the services of specialists in relevant historical restoration skills.
   (c) An agency agrees to reimburse, and shall reimburse, the department for any damage caused to state facilities assigned to its use.
   (d) This administrative regulation is not intended to waive or preclude recovery by an agency from visitors for damages caused by them.
   (e) Visitors shall indemnify and hold harmless the Commonwealth of Kentucky, its departments, agents, employees, and contractors from and against any and all suits, damages, claims, or liabilities due to personal injury or death; damage to or loss of property; or for any other injury or damage arising out of or resulting from the use of state facilities or grounds, except as provided by in KRS Chapter 49.
   (f) Visitors shall not dig, excavate, or use metal detectors.
   (g) Visitors shall not post or affix signs, announcements, or other documents on any exterior or interior wall, ceiling, floor, door, window, or other surface not specifically designated for that purpose.
   (h) Visitors shall promptly remove items or materials owned or used by them after an exhibit, event, or visitation. Failure to do so may result in
the department billing the individual, organization, or entity with the costs of disposal, inclusive of use of staff time, which the individual, organization, or entity agrees to be responsible for as a condition of using the state facility or grounds.

(i) Smoking shall not be permitted in state facilities or on state grounds.

(j) Visitors shall not wear masks or hoods that conceal the identity of the wearer, except for religious dress of a generally recognized religion or minor children celebrating Halloween.

(k) Public use of state facilities by visitors shall not interfere with the conduct of normal public business, including any legislative session, court proceedings, or any other public business.

(l) Use of state facilities and state grounds by visitors shall conform to any applicable limits or requirements contained in the Kentucky Building Code, 815 KAR 7:120, the Kentucky Standards of Safety contained in 815 KAR 10:060, orders of the State Fire Marshall, and local fire codes, inclusive of any applicable occupancy limits.

(m) Visitors shall not obstruct passageways in a manner that would impair the normal conduct of state business or the safe evacuation of people in the event of a fire or similar emergency.

(n) Use or parking of a motorized vehicle on lawns, sidewalks, or terraces shall be restricted to emergency, maintenance, construction, development, delivery, or authorized building access purposes as determined by the department.

(o) The operation of aircraft, other than at designated landing areas, shall be prohibited.

(p) The mass release of birds, butterflies, or other living creatures shall be prohibited.

(q) In addition to any use limitations imposed by this administrative regulation, within areas assigned to its use, an agency may impose such additional use restrictions as are necessary and proper to ensure:

   1. Efficient operation and conduct of state business;
   2. The safety of state employees and visitors;
   3. The security of public assets and data; and
   4. Restrictions necessary to conform to requirements of state and federal law.

(r) The following items shall be prohibited, unless owned or controlled by the state:

   1. Hot-air balloons and similar lighter-than-air objects and aircraft;
   2. Powered aircraft, including drones and remotely-operated aircraft;
   3. Remotely controlled toys and vehicles;
   4. Rockets and similar missiles; and
   5. Fireworks and other explosive items.