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## States' Unmanned Aerial Vehicle Laws: *Louisiana*



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# A National Agricultural Law Center Research Publication

## States' Unmanned Aerial Vehicle Laws: Louisiana

### LA R.S. § 3:44 LA R.S. § 14:337

*Current through November 11, 2022*

#### **LA R.S. § 3:44 Unmanned Aerial Systems; Operation**

- A. Unmanned aerial systems may operate in agricultural commercial operations in accordance with this Chapter and the rules and regulations established by the commissioner, except as prohibited by federal law.
- B. (1) Private landowners engaged in agricultural commercial operations on their private property may use unmanned aerial systems within the geographical confines of their property.
- (2) Producers, tenants, lessees, university researchers, or other contracted or hired personnel working on private property who are engaged in agricultural commercial operations may use unmanned aerial systems within the geographical confines of the property, only with written permission of the landowner or entity controlling the agricultural commercial use of the property.
- (3) Data obtained through the use of an unmanned aerial system shall be used solely in the course of conducting a generally accepted agricultural commercial operation, or in conjunction with an agricultural research, extension program, or initiative conducted by a Louisiana public postsecondary educational institution.
- (4) All data obtained through the use of an unmanned aerial system shall remain the property of the legal owner of the property where the data was collected, unless written approval is given by the property owner for other uses. Public universities conducting agricultural research may negotiate with the legal owner of the property for the terms of use or shared ownership of the data.

#### **LA R.S. § 14:337 Unlawful Use of an Unmanned Aircraft System**

- A. Unlawful use of an unmanned aircraft system is either of the following:
- (1) The intentional use of an unmanned aircraft system to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record a targeted facility without the prior written consent of the owner of the targeted facility.



- (2) The intentional use of an unmanned aircraft system over the grounds of a state or local jail, prison, or other correctional facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law without the express written consent of the person in charge of that state or local jail, prison, or other correctional facility.
- B. As used in this Section, the following definitions shall apply:
- (1) “Federal government” means the United States of America and any department, agency, or instrumentality thereof.
  - (2) “State government” means the state of Louisiana and any department, agency, or instrumentality thereof.
  - (3) “Targeted facility” means the following systems:
    - (a) Petroleum and alumina refineries.
    - (b) Chemical and rubber manufacturing facilities.
    - (c) Nuclear power electric generation facilities.
    - (d) School and school premises as defined by R.S. 14:40.6(B).
    - (e) Critical infrastructure as defined by R.S. 14:61(B).
    - (f) Grain elevators and grain storage facilities.
  - (4) “Unmanned aircraft system” means an unmanned, powered aircraft that does not carry a human operator, can be autonomous or remotely piloted or operated, and can be expendable or recoverable. “Unmanned aircraft system” does not include any of the following:
    - (a) A satellite orbiting the earth.
    - (b) An unmanned aircraft system used by the federal government or a person who is acting pursuant to contract with the federal government to conduct surveillance of specific activities.
    - (c) An unmanned aircraft system used by the state government or a person who is acting pursuant to a contract with the state government to conduct surveillance of specific activities.
    - (d) An unmanned aircraft system used by a local government law enforcement agency or fire department.
    - (e) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business which is regulated by the Louisiana Public Service Commission or by a local franchising authority or the Federal Communications Commission under the Cable Television Consumer Protection and Competition Act of 1992 or of a municipal or public utility, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property which belongs to such a business.
- C. (1) Nothing in this Section shall prohibit a person from using an unmanned aircraft system to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record his own property that is either of the following:
- (a) Located on his own immovable property.



- (b) Located on immovable property owned by another under a valid lease, servitude, right-of-way, right of use, permit, license, or other right.
  - (2) Third persons retained by the owner of the property described in Paragraph (1) of this Subsection shall not be prohibited under this Section from using an unmanned aircraft system to conduct activities described in Paragraph (1) of this Subsection.
- D. The provisions of this Section shall not apply to any of the following:
  - (1) Any person operating an unmanned aircraft vehicle or unmanned aircraft system in compliance with federal law or Federal Aviation Administration authorization or regulations or to any person engaged in agricultural commercial operations as defined in R.S. 3:41.
  - (2) The operation of an unmanned aircraft by institutions of higher education conducting research, extension, and teaching programs in association with university sanctioned initiatives.
- E. (1) Whoever commits the crime of unlawful use of an unmanned aircraft system as provided in Paragraph (A)(1) of this Section shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.
  - (2) On a conviction for a second or subsequent offense as provided in Paragraph (A)(1) of this Section, the offender shall be fined not less than five hundred dollars nor more than four thousand dollars, or imprisoned, with or without hard labor, for not less than six months nor more than two years, or both.
  - (3) Whoever commits the crime of unlawful use of an unmanned aircraft system as provided in Paragraph (A)(2) of this Section shall be fined not more than two thousand dollars, or imprisoned for not more than six months, or both.
  - (4) On a conviction for a second or subsequent offense as provided in Paragraph (A)(2) of this Section, the offender shall be fined not less than two thousand dollars nor more than five thousand dollars, or imprisoned, with or without hard labor, for not more than one year, or both.
- F. The provisions of this Section shall not apply to unmanned aircraft systems used for motion picture, television, or similar production where the filming is authorized by the property owner.

