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States' Unmanned Aerial Vehicle Laws: *Louisiana*



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Current through November 11, 2022

LA R.S. § 2:2 Regulation of Unmanned Aerial Systems and Unmanned Aircraft Systems; Preemption

A. Subject to the provisions of Subsection C of this Section and except as otherwise provided by law:

(1) The state shall have exclusive jurisdiction to regulate all unmanned aircraft systems and all unmanned aerial systems.

(2) State law shall supersede and preempt any rule, regulation, code, or ordinance of any political subdivision or other unit of local government.

Nothing in this Section shall preempt the exclusive sovereignty of airspace of the United States as set forth in 49 U.S.C. 40103. Any interpretation or application of any provision of this Section that contradicts the exclusive authority of the United States government to regulate unmanned aircraft systems and all unmanned aerial systems shall be null.

B. As used in this Section, the following phrases shall have the following meanings:

(1) "Unmanned aerial system" means an unmanned aircraft and all associated support equipment, control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft. The system may include drones, remote-controlled aircraft, unmanned aircraft, or any other such aircraft that is controlled autonomously by computer or remote control from the ground.

(2) "Unmanned aircraft system" means an unmanned, powered aircraft that does not carry a human operator, may be autonomous or remotely



piloted or operated, and may 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 that is regulated by the Louisiana Public Service Commission, 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 belonging to such business.
- (f) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by a local franchising authority, 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 belonging to such business.
- (g) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by the Federal Communications Commission under the Cable Television Consumer Protection and Competition Act of 1992 or under Part 73 of Title 47 of the United States Code of Federal Regulations, 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 belonging to such business.
- (h) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor 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 belonging to such municipal or public utility.
- (i) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by the Federal Railroad Administration, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, equipment, servitude, or any property located on the immovable property belonging to such business.

C. If federal law or regulation preempts any provision of this Section, that provision of this Section shall be null.



LA R.S § 2:2.1. Louisiana Drone Advisory Committee

- A. There is hereby created within the Louisiana Department of Transportation and Development the Louisiana Drone Advisory Committee.
- B. (1) The secretary of the Department of Transportation and Development shall create the Louisiana Drone Advisory Committee and it shall be comprised of fifteen members. The members shall be selected by the following individuals as a means of representing a diverse set of stakeholders involved in the deployment and advancement of drone technologies in the state. The committee shall provide recommendations to the secretary of the Department of Transportation and Development as well as both the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works on policy and regulatory issues related to the adoption of drone technologies.
- (2) The members shall be appointed by the following groups or individuals:
- (a) One member selected by the governor.
 - (b) One member selected by the chairman of the Senate Committee on Transportation, Highways and Public Works.
 - (c) One member selected by the chairman of the House Committee on Transportation, Highways and Public Works.
 - (d) One member selected by the secretary of the Department of Transportation and Development.
 - (e) One member from the Louisiana Farm Bureau Federation appointed by the president of the Louisiana Farm Bureau Federation.
 - (f) One member from the DRONERESPONDERS Public Safety Alliance appointed by the director of the DRONERESPONDERS Public Safety Alliance.
 - (g) One member from the Louisiana Society of Professional Surveyors appointed by the president of the Louisiana Society of Professional Surveyors.
 - (h) One member from the Louisiana Mid-Continent Oil and Gas Association appointed by the board of directors of the Louisiana Mid-Continent Oil and Gas Association.
 - (i) One member selected by the president of the Senate.
 - (j) One member selected by the speaker of the House of Representatives.
 - (k) One member from the Pelican Chapter of the Association of Unmanned Vehicle Systems International appointed by the chairman of the Pelican Chapter of the Association of Unmanned Vehicle Systems International.
 - (l) One member from the Fletcher Technical Community College appointed by the chancellor of the Fletcher Technical Community College.
 - (m) One member from the Nicholls State University appointed by the president of Nicholls State University.



- (n) One member from the Louisiana Airport Managers and Associates appointed by the board of the Louisiana Airport Managers and Associates.
 - (o) One member from the Houma-Terrebonne Airport Commission appointed by the commission.
- C. The Louisiana Drone Advisory Committee shall meet at least four times a year starting in August of 2021. Appointments to the committee shall be made no later than July 31, 2021. The term of the appointments shall cease at the end of the 2022 Regular Session of the Louisiana Legislature, at which time new appointments shall be made and end after the next two regular sessions. If a member resigns from the committee, the member shall be replaced by the individual responsible for their nomination.
- D. The members of the Louisiana Drone Advisory Committee shall serve without compensation. The department shall provide staff support and resources to the committee solely for the preparation of committee agendas and minutes.
- E. (1) At least thirty days prior to the start of each legislative session, the committee shall issue a report about the state of the unmanned aircraft system and unmanned aerial system industry in Louisiana that includes all of the following:
- (a) Any legal barriers operators face.
 - (b) Approximately how many operators are operating in the state.
 - (c) Any companies using unmanned aircraft systems and unmanned aerial systems for commercial purposes.
 - (d) The economic value of the industry in the state.
 - (e) The ranking of Louisiana in comparison to other states in terms of the development of its own industry.
 - (f) The actions taken by the Federal Aviation Administration over the previous year relative to unmanned aircraft systems and unmanned aerial systems.
- (2) The committee shall examine the potential impact of drone highways for the first report.
- F. The Louisiana Drone Advisory Committee shall by majority vote of a quorum of members present at a meeting appoint one member of the committee to serve as a liaison with the Federal Aviation Administration to address any issues with federal, state, and local laws governing unmanned aircraft systems and unmanned aerial systems.

LA R.S § 3:41 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- (1) “Agricultural commercial operation” means the use of any agricultural facility or agricultural land for agricultural production or agricultural processing and includes the production and processing of crops or products, livestock or livestock products, farm-raised fish and fish products, wood, timber or forest products, fowl and plants for breeding or sale, and poultry or poultry products for commercial or industrial purposes. “Agricultural



commercial operation” also includes the use of farm machinery, equipment, devices, chemicals, products for agricultural use, materials, and structures designed for agricultural use and used in accordance with traditional farm practices.

(2) “Aircraft” means an unmanned aircraft operated as a part of an unmanned aerial system.

(3) “Commissioner” means the Louisiana commissioner of agriculture and forestry.

(4) “Data” means any information, pictures, images, samples, or other such information obtained through an unmanned aerial system.

(5) “Department” means the Louisiana Department of Agriculture and Forestry.

(6) “Unmanned aerial system” means an unmanned aircraft and all associated support equipment, control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft. Such system may include drones, remote-controlled aircraft, unmanned aircraft, or any other such aircraft that is controlled autonomously by computer or remote control from the ground.

LA R.S § 3:42 Powers of the Commissioner

A. The commissioner shall adopt rules and regulations to implement the provisions of this Chapter, including but not limited to rules and regulations governing the registration of unmanned aerial systems used in the course of agricultural commercial operations. All rules and regulations shall be adopted in accordance with the Administrative Procedure Act.

B. The commissioner shall administer and enforce the provisions of this Chapter and the rules and regulations adopted pursuant to the provisions of this Chapter.

C. The commissioner may appoint committees to advise on the implementation of the provisions of this Chapter. The appointed committees shall include public universities holding certificates of authorization from the Federal Aviation Administration as well as other active university research programs.

LA R.S § 3:43 Licenses and Registration

A. Each person operating an unmanned aerial system in the course of an agricultural commercial operation shall obtain a license from the department, which shall be issued upon the applicant meeting the following requirements:

(1) Applicants shall submit a written application to the department as provided by the commissioner by rule.

(2) Prior to applying for a license, each applicant shall complete an agricultural education and safety training course administered by the Louisiana Cooperative Extension Service or the Southern University Agricultural Research and Extension Center and comply with any other licensing requirements established by the commissioner by rule.



- B. Each unmanned aerial system operated in the course of an agricultural commercial operation shall be registered with the department.
- C. Licenses and registrations shall be valid for three years and may be renewed for additional three-year periods in accordance with rules adopted by the commissioner.

LA R.S § 3:45 Violations

Violations of this Part shall include but shall not be limited to the following:

- (1) The failure or refusal to obtain an unmanned aerial system license in accordance with R.S. 3:43.
- (2) The failure or refusal to register an unmanned aerial system operated in the course of an agricultural commercial operation in accordance with R.S. 3:43.
- (3) Any violation of this Chapter or of any rule or regulation adopted pursuant to the provisions of this Chapter.
- (4) Any interference with the commissioner and the department or its representatives in the performance of their duties as prescribed in this Chapter.
- (5) Failure to timely pay any penalties or costs due pursuant to the provisions of this Chapter or any rule or regulation of the commissioner adopted pursuant to this Chapter.

LA R.S § 3:46 Stop Orders

- A. When the commissioner has reason to believe that a violation has occurred, the commissioner may issue a stop order prohibiting the continued use of an unmanned aerial system.
- B. Any violation of a stop order shall constitute a separate violation.
- C. A stop order may be released by the commissioner upon a determination by the commissioner that the cause for issuing the stop order has been remedied.
- D. Any person aggrieved by a stop order may petition the commissioner for a hearing to contest the validity of the stop order by making a written request within five calendar days after issuance of the stop order. The hearing shall be held within ten calendar days of receipt of the written request for a hearing. The commissioner may appoint a hearing officer to preside over the matter. The commissioner shall issue a ruling in the matter. The hearing and any subsequent appeal shall be held in accordance with the provisions of the Administrative Procedure Act.
- E. Based upon the results of the hearing, or a consent agreement, the commissioner may take one or more of the following actions:
 - (1) Release the stop order.
 - (2) Require the cause for the stop order to be remedied prior to releasing the stop order.
 - (3) Amend the stop order.



LA R.S § 3:47 Penalties

- A. If the commissioner determines that a violation of the provisions of this Chapter or of the rules and regulations adopted pursuant to the provisions of this Chapter has occurred, an adjudicatory hearing shall be held to make a determination with respect to the suspected violation.
- B. The commissioner shall give written notice to the alleged violator, which shall comply with the requirements of the Administrative Procedure Act, at least five days prior to the date set for such adjudicatory hearing.
- C. The commissioner shall designate a hearing officer to preside at all adjudicatory proceedings.
- D. At any such adjudicatory hearing, the alleged violator shall be accorded all of the rights set forth in the Administrative Procedure Act.
- E. Whenever the commissioner makes a determination from the proceedings of the adjudicatory hearing that a violation of this Chapter or these regulations has occurred, the commissioner may impose a civil penalty not to exceed five hundred dollars for each violation. Civil penalties shall be imposed only on the basis of an adjudication of violations pursuant to an adjudicatory hearing held in accordance with the Administrative Procedure Act.
- F. Each separate day on which a violation occurs shall be considered a separate violation.

LA ST § 3:48 Fees

- A. The commissioner shall establish, by rule in accordance with the Administrative Procedure Act, a registration fee for each unmanned aerial system in an amount not to exceed one hundred dollars.
- B. The commissioner shall establish, by rule in accordance with the Administrative Procedure Act, an agricultural education and safety training course fee payable to the Louisiana State University Agricultural Center or the Southern University Agricultural Research and Extension Center, not to exceed fifty dollars for conducting the agricultural education and safety training course as required by R.S. 3:43(A)(2).

