



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3190

Introduced 2/18/2025, by Rep. Robert "Bob" Rita

#### SYNOPSIS AS INTRODUCED:

620 ILCS 5/42.1

Amends the Illinois Aeronautics Act. Amends the Illinois Aeronautics Act. Defines "critical infrastructure". Provides that a provision regarding publicly owned or controlled property that is intended or permitted to be used for recreational or conservation purposes does not authorize restricting or limiting the use of unmanned aircraft systems when such usage is by commercial users for business operations in connection with critical infrastructure. Provides that any rules adopted under a provision related to publicly owned or controlled property that is intended or permitted to be used for recreational or conservation purposes shall not: supersede the operation of an unmanned aircraft system by a person or entity for a commercial purpose in compliance with applicable Federal Aviation Administration authorization, regulations, or exemptions; or preclude an individual licensed under the Illinois Professional Land Surveyor Act of 1989 or the Professional Engineering Practice Act of 1989 from operating an unmanned aerial vehicle within the scope of his or her professional practice. Effective immediately.

LRB104 09656 LNS 19722 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Aeronautics Act is amended by  
5 changing Section 42.1 as follows:

6 (620 ILCS 5/42.1)

7 Sec. 42.1. Regulation of unmanned aircraft systems.

8 (a) As used in this Section:

9 "Critical infrastructure" has the meaning given in  
10 subsection (e) of Section 1016 of the USA Patriot Act of 2001  
11 (42 U.S.C. 5195c(e)).

12 "Unmanned aircraft" means a device used or intended to be  
13 used for flight in the air that is operated without the  
14 possibility of direct human intervention within or on the  
15 device.

16 "Unmanned aircraft system" means an unmanned aircraft and  
17 its associated elements, including communication links and the  
18 components that control the unmanned aircraft, that are  
19 required for the safe and efficient operation of the unmanned  
20 aircraft in the National Airspace System.

21 (b) Except as otherwise provided in this Section, to the  
22 extent that State-level oversight does not conflict with  
23 federal laws, rules, or regulations, the regulation of an

1     unmanned aircraft system is an exclusive power and function of  
2     the State. No unit of local government, including home rule  
3     unit, may enact an ordinance or resolution to regulate  
4     unmanned aircraft systems. This Section is a denial and  
5     limitation of home rule powers and functions under subsection  
6     (h) of Section 6 of Article VII of the Illinois Constitution.  
7     This Section does not apply to any local ordinance enacted by a  
8     municipality of more than 1,000,000 inhabitants.

9           (b-5) Nothing in this Section shall be construed to deny a  
10    unit of local government the right to adopt reasonable rules  
11    related to the use by a private party of airspace that is above  
12    ground level of public property owned or controlled by that  
13    unit of local government. This subsection applies to publicly  
14    owned or controlled property that is intended or permitted to  
15    be used for recreational or conservation purposes, including,  
16    but not limited to, parks, playgrounds, aquatic facilities,  
17    wildlife areas, or other recreational facilities. This  
18    subsection does not authorize restricting or limiting the use  
19    of unmanned aircraft systems when such usage is by commercial  
20    users for business operations in connection with critical  
21    infrastructure. Reasonable rules adopted pursuant to this  
22    subsection shall not supersede any administrative rules  
23    adopted by the Department or any federal laws, rules, or  
24    regulations, nor the operation of an unmanned aircraft system  
25    by a person or entity for a commercial purpose in compliance  
26    with applicable Federal Aviation Administration authorization,

1 regulations, or exemptions. Such rules shall not preclude an  
2 individual licensed under the Illinois Professional Land  
3 Surveyor Act of 1989 or the Professional Engineering Practice  
4 Act of 1989 from operating an unmanned aerial vehicle within  
5 the scope of his or her professional practice.

6 (c) Nothing in this Section shall infringe or impede any  
7 current right or remedy available under existing State law.

8 (d) The Department may adopt any rules that it finds  
9 appropriate to address the safe and legal operation of  
10 unmanned aircraft systems in this State, so that those engaged  
11 in the operation of unmanned aircraft systems may so engage  
12 with the least possible restriction, consistent with their  
13 safety and with the safety and the rights of others, and in  
14 compliance with federal rules and regulations.

15 (Source: P.A. 103-925, eff. 8-9-24.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.