

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. If and only if Senate Bill 2849 of the 103rd
5 General Assembly becomes law in the form in which it passed the
6 Senate on April 9, 2024, then the Illinois Aeronautics Act is
7 amended by changing Section 42.1 as follows:

8 (620 ILCS 5/42.1)

9 Sec. 42.1. Regulation of unmanned aircraft systems.

10 (a) As used in this Section:

11 "Critical infrastructure" has the meaning given in
12 subsection (e) of Section 1016 of the USA Patriot Act of 2001
13 (42 U.S.C. 5195c(e)).

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

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

23 (b) Except as otherwise provided in this Section, to the

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

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

1 by a person or entity for a commercial purpose in compliance
2 with applicable Federal Aviation Administration authorization,
3 regulations, or exemptions. Such rules shall not preclude an
4 individual licensed under the Illinois Professional Land
5 Surveyor Act of 1989 or the Professional Engineering Practice
6 Act of 1989 from operating an unmanned aerial vehicle within
7 the scope of his or her professional practice.

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

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

17 (Source: P.A. 100-735, eff. 8-3-18; 10300SB2849eng.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law or on the date Senate Bill 2849 of the 103rd
20 General Assembly takes effect, whichever is later.