

House Bill 44

By: Representative Smith of the 125<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to the  
2 regulation of aeronautics, aircraft, and airports, so as to provide for definitions; to prohibit  
3 the operation of unmanned aerial vehicles in certain areas; to amend Code Section 51-9-9 of  
4 the Official Code of Georgia Annotated, relating to interference with property rights, so as  
5 to provide for an exception to the right of action; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to the regulation of  
10 aeronautics, aircraft, and airports, is amended by revising Code Section 6-2-2, relating to  
11 definitions, as follows:

12 "6-2-2.

13 As used in this chapter, the term:

14 (1) 'Airman' ~~'airman'~~ means any individual who engages, as the person in command or  
15 as pilot, mechanic, or member of the crew, in the navigation of aircraft while underway;  
16 and any individual who is directly in charge of the inspection, maintenance, overhauling,  
17 or repair of aircraft, aircraft engines, propellers, or appliances; or any individual who  
18 serves in the capacity of aircraft dispatcher or air traffic control tower operator.

19 (2) 'Drone' or 'unmanned aerial vehicle' means an aircraft without a human pilot aboard,  
20 flight of which is controlled either autonomously by onboard computers or by the remote  
21 control of a pilot on the ground or in another vehicle."

22 **SECTION 2.**

23 Said chapter is further amended by revising Code Section 6-2-5, relating to lawful flight over  
24 lands and waters of the state, as follows:

25 "6-2-5.

26 (a) Flight in aircraft over the lands and waters shall be lawful unless at such a low altitude  
27 as to interfere with the then existing reasonable use to which the land or water or space  
28 over the land or water is put by the owner of the land or water or unless so conducted as  
29 to be imminently dangerous to persons or property lawfully on the land or water beneath.

30 (b) An unmanned aerial vehicle may not be operated at an altitude in excess of 500 feet  
31 above ground level.

32 (c) An unmanned aerial vehicle may not be operated within the five mile horizontal radius  
33 of the geographic center of any airport in this state unless such operation is approved by  
34 the airport control tower or, in the case of an uncontrolled airport, the agency or authority  
35 in charge of the operation of such airport."

36

### SECTION 3.

37 Code Section 51-9-9 of the Official Code of Georgia Annotated, relating to interference with  
38 rights of property owners above and below the surface of property, is amended as follows:

39 "51-9-9.

40 Notwithstanding subsections (b) and (c) of Code Section 6-2-5, the ~~The~~ owner of realty has  
41 title downwards and upwards indefinitely; and an unlawful interference with his or her  
42 rights, either below or above the surface, gives him or her a right of action."

43

### SECTION 4.

44 All laws and parts of laws in conflict with this Act are repealed.