



Sen. Michael E. Hastings

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10400HB3190sam001

LRB104 09656 LNS 37067 a

1 AMENDMENT TO HOUSE BILL 3190

2 AMENDMENT NO. _____. Amend House Bill 3190 by replacing
3 everything after the enacting clause with the following:

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

1 its associated elements, including communication links and the
2 components that control the unmanned aircraft, that are
3 required for the safe and efficient operation of the unmanned
4 aircraft in the National Airspace System.

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

16 (b-5) Nothing in this Section shall be construed to deny a
17 unit of local government the right to adopt reasonable rules
18 related to the use by a private party of airspace that is above
19 ground level of public property owned or controlled by that
20 unit of local government. This subsection applies to publicly
21 owned or controlled property that is intended or permitted to
22 be used for recreational or conservation purposes, including,
23 but not limited to, parks, playgrounds, aquatic facilities,
24 wildlife areas, or other recreational facilities. This
25 subsection does not authorize restricting or limiting the use
26 of unmanned aircraft systems when such usage is by commercial

1 users for business operations to inspect and monitor property
2 in connection with critical infrastructure. Reasonable rules
3 adopted pursuant to this subsection shall not supersede any
4 administrative rules adopted by the Department or any federal
5 laws, rules, or regulations, nor the operation of an unmanned
6 aircraft system by a person or entity for a commercial purpose
7 in compliance with applicable Federal Aviation Administration
8 authorization, regulations, or exemptions. Such rules shall
9 not preclude an individual licensed under the Illinois
10 Professional Land Surveyor Act of 1989 or the Professional
11 Engineering Practice Act of 1989 from operating an unmanned
12 aerial vehicle within the scope of his or her professional
13 practice.

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

16 (d) The Department may adopt any rules that it finds
17 appropriate to address the safe and legal operation of
18 unmanned aircraft systems in this State, so that those engaged
19 in the operation of unmanned aircraft systems may so engage
20 with the least possible restriction, consistent with their
21 safety and with the safety and the rights of others, and in
22 compliance with federal rules and regulations.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."