



Rep. Robert "Bob" Rita

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10300HB0890ham002

LRB103 04493 LNS 73562 a

1 AMENDMENT TO HOUSE BILL 890

2 AMENDMENT NO. _____. Amend House Bill 890 by replacing
3 everything after the enacting clause with the following:

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

1 device.

2 "Unmanned aircraft system" means an unmanned aircraft and
3 its associated elements, including communication links and the
4 components that control the unmanned aircraft, that are
5 required for the safe and efficient operation of the unmanned
6 aircraft in the National Airspace System.

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

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

1 subsection does not authorize restricting or limiting the use
2 of unmanned aircraft systems when such usage is by commercial
3 users for business operations in connection with critical
4 infrastructure. Reasonable rules adopted pursuant to this
5 subsection shall not supersede any administrative rules
6 adopted by the Department or any federal laws, rules, or
7 regulations, nor the operation of an unmanned aircraft system
8 by a person or entity for a commercial purpose in compliance
9 with applicable Federal Aviation Administration authorization,
10 regulations, or exemptions.

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

13 (d) The Department may adopt any rules that it finds
14 appropriate to address the safe and legal operation of
15 unmanned aircraft systems in this State, so that those engaged
16 in the operation of unmanned aircraft systems may so engage
17 with the least possible restriction, consistent with their
18 safety and with the safety and the rights of others, and in
19 compliance with federal rules and regulations. Such rules
20 shall not preclude an individual licensed under the Illinois
21 Professional Land Surveyor Act of 1989 or the Professional
22 Engineering Practice Act of 1989 from operating an unmanned
23 aerial vehicle within the scope of his or her professional
24 practice.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law or on the date Senate Bill 2849 of the 103rd
3 General Assembly takes effect, whichever is later."