

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0513.01 Jery Payne x2157

SENATE BILL 26-024

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

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Senate Committees  
Local Government & Housing

House Committees

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A BILL FOR AN ACT  
101 CONCERNING UNMANNED AIRCRAFT SYSTEMS.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates the "Unmanned Aircraft Systems Rights and Authorities Act". The bill does the following:

- Authorizes an individual to operate an unmanned aircraft system (drone system) for recreational purposes in this state;
- Authorizes a person to operate a drone system for commercial purposes within this state if the business is lawful and the operation is in compliance with state and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters or bold & italic numbers indicate new material to be added to existing law.*

*Dashes through the words or numbers indicate deletions from existing law.*

- federal law;
- Prohibits the state or a political subdivision of the state (local government) from requiring the registration of an unmanned aircraft or a drone system beyond what may be required by state and federal law;
- Clarifies that the operation of a drone system in compliance with federal law does not, standing alone, give rise to legal liability;
- Establishes and limits the regulatory authority of the state; and
- Establishes and limits the regulatory authority of a local government.

In connection with establishing and limiting the regulatory authority of the state, the bill authorizes the state to regulate the use of drone systems owned by or used by the state or launching from or landing on state property. Exceptions to the state's regulatory authority are made for emergencies, maintenance, technical malfunctions, and law enforcement.

In connection with establishing and limiting the regulatory authority of local governments, the bill prohibits a local government from regulating ownership, operation, design, manufacture, testing, maintenance, licensing, registration, certification, or equipment requirements or qualifications, training, or certification of a pilot, operator, or observer. A local government may regulate the use of drone systems owned by or used by the local government or launching from or landing on local government property. A local government's resolution or ordinance that is general in nature, such as a nuisance regulation, applies to a drone system.

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1     *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3     finds that:

4           (a) The commercial use of unmanned aerial systems, referred to  
5     in this section as "drones", in operations, including agriculture,  
6     infrastructure, inspection, aerial surveying, news gathering, and disaster  
7     relief, is already prevalent in the state and increasing;

8           (b) This use of commercial drones is expected to grow even  
9     further as the federal government finalized beyond visual line of sight

1 regulations;

2 (c) The federal government, through the federal aviation  
3 administration, has the exclusive authority to regulate aviation safety and  
4 use of airspace by aircraft, including drones, in the navigable airspace of  
5 the United States and its regulations preempt state and local regulation of  
6 those fields;

7 (d) The state and local governments of the state would benefit  
8 from clarity concerning elements of drone use they can regulate;

9 (e) The expanding nature of commercial drone use places it  
10 beyond the confines of local jurisdiction regulation;

11 (f) The avoidance of a patchwork of differing requirements is  
12 required to prevent the hindrance of the development, introduction, or  
13 deployment of drones or new drone technology in the state and the  
14 inherent economic and social benefits arising from their use; and

15 (g) A drone operator may be in one local jurisdiction while the  
16 drone is flying in another jurisdiction.

17 (2) Therefore, the general assembly declares that non-airspace  
18 regulation of drones is a matter of statewide concern.

19 **SECTION 2.** In Colorado Revised Statutes, **add** article 7 to title  
20 41 as follows:

## 21 **ARTICLE 7**

### 22 **Unmanned Aircraft Systems Rights and Authorities Act**

#### 23 **41-7-101. Short title.**

24 THE SHORT TITLE OF THIS ARTICLE 7 IS THE "UNMANNED AIRCRAFT  
25 SYSTEMS RIGHTS AND AUTHORITIES ACT".

#### 26 **41-7-102. Definitions.**

27 AS USED IN THIS ARTICLE 7, UNLESS THE CONTEXT OTHERWISE

1       REQUIRES:

2           (1) "OBSERVER" MEANS A PERSON THAT ASSISTS THE PERSON  
3       MANIPULATING THE FLIGHT CONTROLS OF AN UNMANNED AIRCRAFT TO  
4       MAINTAIN VISUAL LINE OF SIGHT WITH THE UNMANNED AIRCRAFT OR IN  
5       AVOIDING OTHER AIR TRAFFIC, PERSONS, OR OBJECTS WITHIN THE  
6       UNMANNED AIRCRAFT'S AREA OF OPERATION.

7           (2)(a) "POLITICAL SUBDIVISION" MEANS A POLITICAL SUBDIVISION  
8       OF THIS STATE THAT HAS AUTHORITY TO SET BINDING POLICY ON PEOPLE  
9       WITHIN THE SUBDIVISION'S JURISDICTION AND TO ENFORCE THE POLICY BY  
10      IMPOSING PENALTIES FOR FAILING TO COMPLY WITH THE DUTIES IMPOSED  
11      BY THE POLICY.

12           (b) "POLITICAL SUBDIVISION" INCLUDES THE GOVERNING BODY OF  
13       THE POLITICAL SUBDIVISION, AN AGENCY OF THE POLITICAL SUBDIVISION,  
14       OR AN AGENT OF THE POLITICAL SUBDIVISION.

15           (3) "UNMANNED AIRCRAFT" MEANS AN AIRCRAFT THAT IS  
16       OPERATED WITHOUT THE POSSIBILITY OF DIRECT HUMAN INTERVENTION  
17       RIDING ON THE AIRCRAFT OR FROM WITHIN THE AIRCRAFT.

18           (4) "UNMANNED AIRCRAFT SYSTEM" MEANS AN UNMANNED  
19       AIRCRAFT AND ASSOCIATED ELEMENTS, INCLUDING COMMUNICATION  
20       LINKS AND THE COMPONENTS THAT CONTROL THE UNMANNED AIRCRAFT,  
21       THAT ARE REQUIRED FOR THE PILOT IN COMMAND TO OPERATE SAFELY  
22       AND EFFICIENTLY IN THE NATIONAL AIRSPACE SYSTEM.

23           **41-7-103. Federal authority over airspace.**

24       THIS ARTICLE 7 DOES NOT PREEMPT OR AFFECT THE EXCLUSIVE  
25       SOVEREIGNTY OF AIRSPACE OF THE UNITED STATES AS SET FORTH IN 49  
26       U.S.C. SEC. 40103 AND ANY OTHER RELEVANT FEDERAL LAW. A COURT,  
27       STATE AGENCY, OR POLITICAL SUBDIVISION SHALL NOT INTERPRET OR

1 APPLY THIS ARTICLE 7 IN A MANNER THAT CONTRADICTS THE EXCLUSIVE  
2 AUTHORITY OF THE UNITED STATES GOVERNMENT TO REGULATE THE  
3 OPERATION OF UNMANNED AIRCRAFT AND UNMANNED AIRCRAFT SYSTEMS  
4 IN THE AIRSPACE OF THE UNITED STATES.

5 **41-7-104. Individual and commercial rights.**

6 (1) AN INDIVIDUAL MAY OPERATE AN UNMANNED AIRCRAFT  
7 SYSTEM FOR RECREATIONAL PURPOSES WITHIN THIS STATE IF THE  
8 UNMANNED AIRCRAFT IS OPERATED IN COMPLIANCE WITH STATE LAW AND  
9 FEDERAL LAW.

10 (2) A PERSON MAY OPERATE AN UNMANNED AIRCRAFT SYSTEM FOR  
11 COMMERCIAL PURPOSES WITHIN THIS STATE IF:

12 (a) THE PERSON IS DOING BUSINESS LAWFULLY WITHIN THIS STATE;  
13 AND

14 (b) THE UNMANNED AIRCRAFT SYSTEM IS OPERATED OR USED IN  
15 COMPLIANCE WITH STATE LAW AND FEDERAL LAW.

16 (3) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL  
17 NOT REQUIRE THE OWNER OF AN UNMANNED AIRCRAFT OR UNMANNED  
18 AIRCRAFT SYSTEM TO REGISTER AN UNMANNED AIRCRAFT OR UNMANNED  
19 AIRCRAFT SYSTEM BEYOND WHAT MAY BE REQUIRED BY THE REGULATION  
20 OF THE FEDERAL AVIATION ADMINISTRATION.

21 (4) THE OPERATION OF AN UNMANNED AIRCRAFT SYSTEM IN  
22 COMPLIANCE WITH FEDERAL LAW IN AIRSPACE OVER THIS STATE DOES NOT,  
23 STANDING ALONE, GIVE RISE TO LEGAL LIABILITY UNDER THE LAWS OF THIS  
24 STATE OR A POLITICAL SUBDIVISION OF THE STATE.

25 **41-7-105. Regulatory authority of state agencies.**

26 (1) THE STATE, IF ACTING THROUGH A DULY ADOPTED AND  
27 ENFORCEABLE STATUTE, RULE, ORDER, OR CONTRACT, MAY:

3 (I) BY OR ON BEHALF OF THE STATE; OR

4 (II) THAT IS OWNED BY THE STATE; OR

5 (b) PROVIDE FOR OR PROHIBIT:

6 (I) THE LAUNCH OF AN UNMANNED AIRCRAFT FROM PROPERTY  
7 OWNED BY THE STATE;

8 (II) THE INTENTIONAL LANDING OF AN UNMANNED AIRCRAFT ONTO  
9 PROPERTY OWNED BY THE STATE; OR

10 (III) THE PRESENCE OF A PILOT ACTIVELY IN COMMAND OF AN  
11 UNMANNED AIRCRAFT SYSTEM ON PROPERTY OWNED BY THE STATE.

## 41-7-106. Regulatory authority of political subdivisions.

21 (b) QUALIFICATIONS, TRAINING, OR CERTIFICATION OF A PILOT,  
22 OPERATOR, OR OBSERVER

23 (2) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF A POLITICAL  
24 SUBDIVISION TO:

25 (a) ADOPT OR ENFORCE A RESOLUTION, ORDINANCE, OR CONTRACT  
26 THAT GOVERNS THE OPERATION OF AN UNMANNED AIRCRAFT SYSTEM;

27 (I) BY OR ON BEHALF OF THE POLITICAL SUBDIVISION; OR

(II) THAT IS OWNED BY THE POLITICAL SUBDIVISION;

(b) ADOPT OR ENFORCE A GENERALLY APPLICABLE RESOLUTION OR  
ANCE THAT RELATES TO ILLEGAL ACTS IF THE RESOLUTION OR  
ANCE DOES NOT SPECIFICALLY GOVERN THE USE OF AN UNMANNED  
AFT SYSTEM FOR THOSE ILLEGAL ACTS, NOTWITHSTANDING THE  
UTION OR ORDINANCE MAY APPLY TO THE USE OF UNMANNED  
AFT SYSTEMS; OR

(c) ADOPT OR ENFORCE A RESOLUTION, ORDINANCE, OR CONTRACT  
REGULATES:

(I) THE LAUNCH OF AN UNMANNED AIRCRAFT FROM PROPERTY OWNED BY THE POLITICAL SUBDIVISION:

(II) THE INTENTIONAL LANDING OF AN UNMANNED AIRCRAFT ONTO  
PROPERTY OWNED BY THE POLITICAL SUBDIVISION; OR

(III) THE PRESENCE OF A PILOT ACTIVELY IN COMMAND OF AN  
UNMANNED AIRCRAFT SYSTEM ON PROPERTY OWNED BY THE POLITICAL  
VISION.

(3) A RESOLUTION OR ORDINANCE THAT VIOLATES THIS SECTION, HER ENACTED OR ADOPTED BY A POLITICAL SUBDIVISION BEFORE OR THE EFFECTIVE DATE OF THIS ARTICLE 7, IS VOID.

#### **41-7-107. Applicability and other law.**

(1) THIS ARTICLE 7 DOES NOT PROHIBIT:

(a) THE TAKEOFF OR LANDING OF AN UNMANNED AIRCRAFT AS  
ED REASONABLE OR NECESSARY BY PRIVATE OR PUBLIC PERSONS FOR  
FIDE EMERGENCY OR MAINTENANCE SUPPORT FUNCTIONS OR  
CES, INCLUDING THE PROTECTION AND MAINTENANCE OF PUBLIC OR  
TE CRITICAL INFRASTRUCTURE;

(b) IN COMPLIANCE WITH FEDERAL AVIATION ADMINISTRATION

1 REGULATIONS, THE LANDING OF AN UNMANNED AIRCRAFT AS DEEMED  
2 REASONABLE OR NECESSARY BY THE OPERATOR IN THE EVENT OF A  
3 TECHNICAL MALFUNCTION OF AN UNMANNED AIRCRAFT SYSTEM;

4 (c) THE TAKEOFF OR LANDING OF AN UNMANNED AIRCRAFT BEING  
5 OPERATED BY A PEACE OFFICER IN THE PERFORMANCE OF THE OFFICER'S  
6 DUTIES; OR

7 (d) THE TAKEOFF OR LANDING OF AN UNMANNED AIRCRAFT OWNED  
8 OR OPERATED BY THE UNITED STATES GOVERNMENT, OR AN OPERATOR  
9 UNDER CONTRACT WITH AN AGENCY OF THE UNITED STATES  
10 GOVERNMENT, IN PERFORMANCE OF THE OPERATOR'S ASSIGNED DUTIES.

11 (2) THIS ARTICLE 7 DOES NOT PERMIT STATE OR POLITICAL  
12 SUBDIVISION REGULATION OF UNMANNED AIRCRAFT OPERATIONS IN  
13 NAVIGABLE AIRSPACE OVER LAND OWNED BY THE STATE OR A POLITICAL  
14 SUBDIVISION OF THE STATE.

15 **SECTION 3. Act subject to petition - effective date -**  
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
17 the expiration of the ninety-day period after final adjournment of the  
18 general assembly (August 12, 2026, if adjournment sine die is on May 13,  
19 2026); except that, if a referendum petition is filed pursuant to section 1  
20 (3) of article V of the state constitution against this act or an item, section,  
21 or part of this act within such period, then the act, item, section, or part  
22 will not take effect unless approved by the people at the general election  
23 to be held in November 2026 and, in such case, will take effect on the  
24 date of the official declaration of the vote thereon by the governor.

25 (2) This act applies to:

26 (a) Acts committed on or after the applicable effective date of this  
27 act; or

