

ASSEMBLY, No. 4731

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED OCTOBER 11, 2022

Sponsored by:

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Permits certain entities to operate unmanned aircraft systems to inspect damage to critical infrastructure.

CURRENT VERSION OF TEXT

As introduced.



A4731 SAUICKIE

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1 AN ACT concerning the operation of unmanned aircraft systems by
2 certain entities and supplementing Title 52 of the Revised
3 Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. a. The Office of Homeland Security and Preparedness, in
9 consultation with the Board of Public Utilities and the Department of
10 Environmental Protection, shall adopt, pursuant to the “Administrative
11 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
12 regulations permitting a public utility, cable television company, or
13 telecommunications service provider to operate an unmanned aircraft
14 system in this State to assess, inspect, operate, or otherwise maintain
15 any critical infrastructure owned or operated by the public utility,
16 cable television company, or telecommunications service provider
17 within this State, provided that the public utility, cable television
18 company, or telecommunications service provider shall operate the
19 unmanned aircraft system in a manner consistent with applicable
20 federal law and regulations. Nothing in this section shall be construed
21 to affect any federal preemption of State law governing aviation.

22 b. A public utility, cable television company, or
23 telecommunications service provider may contract with a third party to
24 operate unmanned aircraft systems, pursuant to any applicable
25 regulations adopted by the Federal Aviation Administration and any
26 applicable regulations adopted by the Office of Homeland Security
27 and Preparedness pursuant to this section, to conduct the inspections
28 described in subsection a. of this section.

29 c. For the purposes of this section:

30 “Cable television company” shall have the same meaning as
31 provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

32 “Critical infrastructure” means the physical systems and assets of a
33 public utility, cable television company, or telecommunications
34 service provider that are so vital to the State that the full or partial
35 incapacity or destruction of these systems and assets would have a
36 debilitating impact on the State’s security, economy, public health,
37 public safety, or any combination thereof.

38 “Operate” shall have the same meaning as provided in section 1 of
39 P.L.2017, c.315 (C.2C:40-27).

40 “Public utility” shall have the same meaning as provided in
41 R.S.48:2-13, and shall include dams subject to the provisions of the
42 “Safe Dam Act,” P.L.1981, c.249 (C.58:4-8.1 et al.).

43 “Telecommunications service provider” means an entity that does
44 business in this State and that offers telecommunications service,
45 including, but not limited, to Internet service, directly to the public, or
46 to classes of users as to be effectively available directly to the public,
47 whether wireless or wireline, and regardless of whether a fee is
48 charged for the use of the service.

1 “Unmanned aircraft” shall have the same meaning as provided in
2 section 1 of P.L.2017, c.315 (C.2C:40-27).

3 “Unmanned aircraft system” shall have the same meaning as
4 provided in section 1 of P.L.2017, c.315 (C.2C:40-27).

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6 2. This act shall take effect immediately.

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STATEMENT

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11 This bill directs the Office of Homeland Security and
12 Preparedness, in consultation with the Board of Public Utilities and
13 Department of Environmental Protection, to adopt rules and
14 regulations permitting public utilities (utilities), cable television
15 (CATV) companies, and telecommunications service providers to
16 operate unmanned aircraft, commonly known as drones, in this
17 State. The operation of the drones is to be used to assess, inspect,
18 operate, or otherwise maintain the critical infrastructure of the
19 utilities, CATV companies, and telecommunications service
20 providers within this State. The use of drones is to help facilitate the
21 quick identification of damaged infrastructure to efficiently restore
22 the associated service in a timely manner.

23 The bill provides that the utilities, CATV companies, and
24 telecommunications service providers are to operate the drones in a
25 manner consistent with applicable federal law and regulations. The
26 utilities, CATV companies, and telecommunications service
27 providers may contract with a third party to operate unmanned
28 aircraft systems pursuant to the regulations of the Federal Aviation
29 Administration and any regulations of the Office of Homeland
30 Security and Preparedness to conduct the inspections provided for
31 under the bill. Nothing in this bill is to be construed to affect federal
32 preemption of State law governing aviation.