

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4667

BY DELEGATES HOWELL, HANSHAW (MR. SPEAKER),

SUMMERS AND FAST

[Passed March 12, 2022; in effect ninety days from passage.]

1 AN ACT to amend of the Code of West Virginia, 1931, as amended, by adding thereto two new
2 sections, designated §5B-2-18 and §5B-2-18a, all relating to uncrewed aircraft operation
3 in the state; establishing the West Virginia Uncrewed Aircraft Systems Advisory Council
4 within the Department of Economic Development; establishing membership, expense
5 reimbursement, and duties of Council; clarifying that all uncrewed aircraft operation in the
6 state must comply with federal regulations; prohibiting political subdivisions from
7 regulating advanced air mobility aircraft or advanced air mobility systems; and defining
8 terms.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.

§5B-2-18. West Virginia Uncrewed Aircraft Systems Advisory Council.

1 (a) The West Virginia Uncrewed Aircraft Systems Advisory Council is hereby created
2 within the Department of Economic Development.

3 (b) The council consists of the following nine members, including the chairperson:

4 (1) The Secretary of the Department of Economic Development or his or her designee, ex
5 officio, who shall serve as the chair of the council, and who shall vote when necessary in the event
6 the appointed members of the council become deadlocked;

7 (2) The following eight members shall be appointed by the Governor and serve at his or
8 her will and pleasure:

9 (A) One member representing the Secretary of the Department of Transportation;

10 (B) One member from the Adjutant General's Department;

11 (C) One member representing the uncrewed aircraft system industry with at least five
12 years of experience operating an uncrewed aircraft;

13 (D) One member representing a national association of the uncrewed aerial vehicle

14 industry;

15 (E) One member with experience managing a commercial services airport;

16 (F) One member representing business and industry, generally;

17 (G) One member representing academia; and

18 (H) One member representing the advanced air mobility industry developing human transit
19 capabilities.

20 (3) Members of the council will receive no compensation but are entitled to reimbursement
21 for mileage expenses while attending meetings of the committee to the extent that funds are
22 available through the Department of Economic Development.

23 (c) The council shall:

24 (1) Identify trends and technologies driving innovation in uncrewed aircraft systems;

25 (2) Develop comprehensive strategies, including, but not limited to, the promotion of
26 research and development, education, economic growth, and jobs in the uncrewed aircraft system
27 industry in West Virginia; public acceptance of the uncrewed aircraft system industry; business
28 planning; air vehicle technology and manufacturing; and airspace management and national
29 airspace system integration; and

30 (3) Develop recommended legislation addressing specific issues and in furtherance of the
31 comprehensive strategies identified in subdivision (2), subsection (c) of this section.

32 (d) The council shall meet at least annually and may convene public meetings to gather
33 information or receive public comments.

34 (e) The council shall report on the status of its duties, goals, accomplishments, and
35 recommendations to the Legislature on at least an annual basis.

**§5B-2-18a. Applicability of federal laws and Federal Aviation Administration regulations;
permissible use of uncrewed aircraft.**

1 (a) Notwithstanding any provision of this article to the contrary, any person or entity
2 operating an uncrewed aircraft system may do so in compliance with applicable federal law and

3 applicable regulations of the Federal Aviation Administration.

4 (b) Except as authorized by law, a political subdivision of the state shall not enact or adopt
5 an ordinance, policy, or rule that relates to the ownership or operation of an advanced air mobility
6 aircraft or advanced air mobility system, and shall not otherwise engage in the regulation of any
7 uncrewed aircraft system, advanced air mobility aircraft, or advanced air mobility system. Any
8 ordinance, policy, or rule, to the extent that it violates any provision of this subsection, whether
9 enacted or adopted by the political subdivision before or after the effective date of this section, is
10 void.

11 (c) As used in this section, “advanced air mobility aircraft” or “advanced air mobility
12 system” means a system that transports people and property by air between points in the United
13 States using aircraft, as defined in §29-2A-1 of this code, including electric aircraft and electric
14 vertical takeoff and landing aircraft, in both controlled and uncontrolled airspace.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman, House Committee

.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

.....
Speaker of the House of Delegates

.....
President of the Senate

The within this the.....
day of, 2022.

.....
Governor