

Effective 5/3/2023

72-10-701 Preemption of local ordinance -- Business licensing.

- (1) As used in this section, "advanced air mobility business" means a business that operates an unmanned aircraft system or an advanced air mobility system for a commercial purpose that is required to obtain a certificate pursuant to 14 C.F.R. Part 107 or 135.
- (2) A political subdivision of the state, or an entity within a political subdivision of the state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft or the private use of an advanced air mobility system, unless:
 - (a) authorized by this chapter; or
 - (b) the political subdivision or entity is an airport operator that enacts the law, rule, or ordinance to govern:
 - (i) the operation of an unmanned aircraft or an advanced air mobility system within the geographic boundaries of the airport over which the airport operator has authority; or
 - (ii) the takeoff or landing of an unmanned aircraft or an aircraft operated as part of an advanced air mobility system at the airport over which the airport operator has authority.
- (3)
 - (a) Subject to the provisions of this chapter, a political subdivision may require an advanced air mobility business to obtain a business license if the advanced air mobility business does not hold a current business license in good standing from another political subdivision in the state.
 - (b) A political subdivision may only charge a licensing fee to an advanced air mobility business in an amount that reimburses the political subdivision for the actual cost of processing the business license.
- (4) A political subdivision may not require an advanced air mobility business to:
 - (a) obtain a separate business license beyond the initial business license described in Subsection (3)(a);
 - (b) pay a fee other than the fee for the initial business license described in Subsection (3); or
 - (c) pay a fee for each employee the advanced air mobility business employs.
- (5) A political subdivision shall provide a reasonable accommodation to an advanced air mobility business with regard to any regulation or restriction on the size of the business.
- (6) A political subdivision shall recognize as valid within the political subdivision the business license of an advanced air mobility business obtained in another political subdivision within the state, if the business license is current and in good standing.
- (7)
 - (a) A political subdivision may not create a monopoly by entering into an agreement to grant or permit an exclusive right to one or more vertiport owners as the only vertiport owners or operators within the boundary of the political subdivision.
 - (b) Subsection (7)(a) does not preclude a political subdivision from granting a permit or right to a vertiport owner or operator if only one owner or operator applies for a permit in that political subdivision.
- (8) Notwithstanding Subsection (7), if a political subdivision issues a permit to a vertiport owner or operator, unless the vertiport owner, operator, or facility receives any public money, the vertiport owner or operator may exclude other users from using the owner's or operator's vertiport.
- (9) This chapter supersedes any law, ordinance, or rule enacted by a political subdivision of the state before July 1, 2022.

Amended by Chapter 22, 2023 General Session

Amended by Chapter 22, 2023 General Session, (Coordination Clause)
Renumbered and Amended by Chapter 216, 2023 General Session
Amended by Chapter 366, 2023 General Session