

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 760

Department or Agency: Alabama Law Enforcement Agency

Rule No.: 760-X-1-.27

Rule Title: UAS Permits for Downtown Capitol Area

Intended Action New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Hal Taylor
Hal Taylor

Date

Thursday, August 20, 2026

REC'D & FILED

AUG 20, 2026

LEGISLATIVE SVC AGENCY

ALABAMA LAW ENFORCEMENT AGENCY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Law Enforcement Agency (Formerly Alabama Department of Public Safety)

RULE NO. & TITLE: 760-X-1-.27 UAS Permits for Downtown Capitol Area

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

Act 2026-270 authorizes the Secretary of ALEA, in consultation with the Governor, the Alabama Legislative Council, and the Alabama Administrative Office of Courts, to establish permitting procedures for the use of unmanned aircraft systems ("UAS") in the vicinity of Capitol Areas. This proposed rule, once effective, will create a permitting system for UAS use in the vicinity of the Downtown Capitol Area, to be administered by the Capitol Patrol Unit of ALEA's Protective Services Division. This proposed rule establishes the permit application process; training, documentation, and operation requirements for permitted use; and procedures for the enforcement of the permitting system.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

The Agency will accept written views until the close of business on October 5, 2026. Written views shall be submitted via email to Joseph.Latham@alea.gov, with the subject line "Comment: UAS Permit Proposed Rule."

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, October 5, 2026

CONTACT PERSON AT AGENCY:

Joseph R. Latham, Assistant
Attorney General
Email: Joseph.Latham@alea.gov

Hal Taylor

Hal Taylor

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) Any term defined in Act 2026-270 retains that same meaning for the purposes of this Rule.

(b) CAPITOL AREA. Any of the locations identified in Section 2(a)(2) of Act 2026-270.

(c) CAPITOL PATROL. The Capitol Patrol Unit of ALEA's Protective Services Division.

(d) COMMERCIAL OPERATIONS. UAS operations conducted pursuant to 14 C.F.R. Part 107.

(e) DOWNTOWN CAPITOL AREA. All real property situated between Madison Avenue and High Street and between Lawrence Street and Hilliard Street in Montgomery, Alabama.

(f) FAA. The Federal Aviation Administration.

(g) PILOT CREDENTIALS. A card indicating that the holder has the credentials necessary under federal law to launch, land, fly, and otherwise operate an unmanned aircraft, as follows:

i. The Recreational UAS Safety Test (TRUST) Card, for recreational operations.

ii. A Commercial UAS License (Part 107) Card, for either commercial or recreational operations.

(h) RECREATIONAL OPERATIONS. UAS operations conducted strictly for recreational purposes pursuant to 49 U.S.C. § 44809.

(i) REMOTE PILOT IN COMMAND. The individual in a UAS flight crew who is directly responsible for, and is the final authority as to, the UAS's operation. In the event of a one-person crew, this term refers to the individual operating the UAS.

(j) UAS OPERATIONS. Any of the following:

i. Conducting flight operations for a UAS.

ii. Launching an unmanned aircraft.

iii. Landing an unmanned aircraft.

iv. Causing an unmanned aircraft to fly.

v. Causing an unmanned aircraft to drop any payload.

(k) VICINITY. The area of physical space within 500 horizontal feet and 250 vertical feet of the perimeter of a Capitol Area.

(l) VISUAL LINE OF SIGHT. An individual's clear, unobstructed view of an object, such that he or she can see it without the aid of any device other than corrective lenses.

(2) **Purpose.**

(a) Pursuant to Act 2026-270, on or after January 1, 2027 it shall generally be unlawful to intentionally or knowingly use an unmanned aircraft system ("UAS") in the vicinity of a Capitol Area.

(b) Act 2026-270 grants the Secretary authority to establish permitting procedures for the use of a UAS in the vicinity of a Capitol Area. This Rule, developed in consultation with the Governor, the Alabama Legislative Council, and the Alabama Administrative Office of Courts, establishes a permitting system for the Downtown Capitol Area.

(c) A person complying with a permit issued pursuant to this Rule shall not be subject to Act 2026-270's general prohibition on UAS use in Capitol Areas.

(3) **Permit Application.**

(a) In order to obtain a permit to conduct UAS operations in the vicinity of the Downtown Capitol Area, a person shall submit a complete, signed UAS Permit Application to Capitol Patrol online at www.alea.gov.

(b) The applicant must be one of the following persons:

i. The remote pilot in command's employer, if the intended UAS operations will be conducted in the line and scope of that employment relationship.

ii. Otherwise, the remote pilot in command for the intended UAS operations.

A duly authorized agent of the applicant may complete and sign the UAS Permit Application on the applicant's behalf.

(c) The UAS Permit Application shall be made on forms furnished by ALEA and shall provide information about the applicant, the UAS, the flight crew, and the intended UAS operations. The applicant shall attach copies of the following documents:

- i. The pilot credentials for the remote pilot in command.
- ii. A Certificate of Waiver or Authorization (FAA Form 7711-1) or other valid waiver or authorization document issued by the Federal Aviation Administration that approves the intended UAS operations.
- iii. If applicable, proof of any active insurance policy providing liability coverage for the intended UAS operations.

(d) By signing a UAS Permit Application, the applicant certifies that all of the following are true:

- i. The applicant has read Act 2026-270 and this Rule and is familiar with federal law applicable to the intended UAS operations.
- ii. The applicant's intended UAS operations comply with state and federal law, to the best of the applicant's knowledge.
- iii. If a permit is issued, the applicant will ensure that all relevant UAS operations are conducted in compliance with the UAS Permit and with state and federal law.
- iv. If a permit is issued, the applicant shall be responsible for any damage to State property proximately caused by the relevant UAS operations.
- v. If a permit is issued, the applicant agrees to defend, indemnify, and hold harmless the State of Alabama, ALEA, its officials, employees, and arresting officers from and against any claim or threatened claim, including the payment of reasonable attorneys' fees and costs incurred, as made by any other person against the State of Alabama, ALEA, its officials, employees, and arresting officers based on, in connection to, or arising out of the relevant UAS operations.

(4) **Permitted Use of UAS.** A UAS Permit, if issued pursuant to this Rule prior to the commencement of any relevant UAS operations, permits the individuals designated in the UAS Permit

to conduct UAS operations in the vicinity of the Downtown Capitol Area, subject to the following conditions:

(a) Compliance with Permit. The UAS Permit will establish the time, place, and manner of permitted UAS operations in the vicinity of the Downtown Capitol Area. All UAS operations shall comply with the terms of the UAS Permit.

(b) Prior FAA Approval. No UAS operations may commence without prior FAA authorization or waiver regarding the operations. All UAS operations shall comply with any limitations imposed by the FAA (e.g., altitude restrictions, hours of operation).

(c) Applicable Federal Law. Recreational operations shall be conducted in accordance with 49 U.S.C. § 44809. Commercial operations shall be conducted in accordance with 14 C.F.R. Part 107.

(d) Identification and Approval Documents.

i. No individual may act as a remote pilot in command unless he or she has valid pilot credentials.

ii. The remote pilot in command must have all of the following in his or her immediate possession at all times when conducting UAS operations and shall present the same upon demand of any law enforcement officer:

1. A driver license, nondriver identification card, or other federal- or state-issued identification card bearing his or her legal name and date of birth.

2. His or her pilot credentials.

3. A copy of the UAS Permit for the relevant UAS operations.

4. Proof of FAA authorization or waiver for the relevant UAS operations.

iii. When conducting UAS operations, the remote pilot in command must, upon demand of any law enforcement officer, present the documents listed in paragraph (ii) and provide the FAA registration number for the UAS in use.

(e) Visual Observation of Flight. At all times during flight, the unmanned aircraft must be within the visual line of sight of the following individuals:

i. The remote pilot in command, together with any other individual manipulating the flight controls, or

ii. A designated visual observer in direct communication with the individuals identified in paragraph (i).

(f) Operations Over People Restricted. Except to the extent permissible under 14 C.F.R. Part 107, no unmanned aircraft may be operated over any individual in the vicinity of the Downtown Capitol Area, unless that individual is part of the UAS flight crew or is located under a covered structure or inside a stationary vehicle.

(g) Payloads.

i. No unmanned aircraft may be operated with any payload that was not disclosed in the UAS Permit Application.

ii. Except as expressly authorized in the UAS Permit, no unmanned aircraft may drop any payload in the vicinity of the Downtown Capitol Area.

(h) Appropriate Operational Conduct.

i. UAS operations shall not be conducted in a careless or reckless manner that endangers the life or property of another.

ii. UAS operations shall be conducted such that the UAS poses no undue hazard to other people, aircraft, or property in the event of a loss of control of the unmanned aircraft.

(5) **Amendment or Cancellation of UAS Permit.** Upon notice to the permit holder, Capitol Patrol may amend or cancel a UAS Permit issued pursuant to this Rule when, in its judgment, the amendment or cancellation would promote the interests of public health or public safety.

(6) **Enforcement.**

(a) Upon reasonable suspicion that UAS operations are being conducted in violation of this Rule, a law enforcement officer may demand that the UAS flight crew cease operations for an investigatory stop.

(b) In addition to the potential consequences of the conduct under Act 2026-270, Capitol Patrol may, upon probable cause that a person is conducting UAS operations in violation of

this Rule, take any or all of the following regulatory actions:

- i. Immediately terminate the UAS operations.
- ii. Revoke the UAS Permit associated with the UAS operations.
- iii. Prohibit the applicant, and/or any member of the UAS flight crew, from applying for, receiving, or using a UAS under a UAS Permit in the future.

Author: Chief Wayne Mackey, Joseph R. Latham, Noel S. Barnes

Statutory Authority: Act 2026-270

History: New Rule: Published _____; effective _____.