

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/SB 1318 — Spaceflight Entity Liability

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Wright

The bill defines the term “crew” to have the same meaning as the federal definition, which defines the term as any employee of a licensee or transferee, or of a contractor or subcontractor of a licensee or transferee, who performs activities in the course of that employment directly relating to the launch, reentry, or other operation of or in a launch vehicle or reentry vehicle that carries human beings. The bill revises the definition of the term:

- “Spaceflight activities” to include activities that occur between launch and landing, not just during launch and reentry.
- “Spaceflight entity” to include entities authorized by the United States Government to conduct spaceflight activities. The bill also expands the term to include any manufacturer or supplier of spaceflight components, services, or vehicles by repealing the requirement that such manufacturer or supplier be those reviewed by the United States Federal Aviation Administration as part of issuing a license, permit, or authorization.

The bill extends immunity from liability to a spaceflight entity for an injury or death of spaceflight participant or crew resulting from a spaceflight activity, so long as a required warning statement was provided to and signed by the spaceflight participant or crew. The limited liability from immunity does not apply in certain circumstances.

Additionally, the bill modifies the liability language to require the spaceflight entity to have actual knowledge of an extraordinarily dangerous condition rather than actual knowledge or reasonable knowledge of a dangerous condition in order to be held responsible. Furthermore, the extraordinarily dangerous condition must be one that is not inherent in spaceflight activities.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 107-5