

Article 16B.

Use of Unmanned Aircraft Systems.

§ 15A-300.1. Restrictions on use of unmanned aircraft systems.

- (a) Definitions. – The following definitions apply to this Article:
- (1) Manned aircraft. – An aircraft, as defined in G.S. 63-1, that is operated with a person in or on the aircraft.
 - (2) Repealed by Session Laws 2017-160, s. 1, effective December 1, 2017, and applicable to offenses committed on or after that date and acts occurring and causes of action arising on or after that date.
 - (3) Unmanned aircraft. – An aircraft, as defined in G.S. 63-1, that is operated without the possibility of human intervention from within or on the aircraft.
 - (4) Unmanned aircraft system. – An unmanned aircraft and associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.
- (b) General Prohibitions. – Except as otherwise provided in this section, no person, entity, or State agency shall use an unmanned aircraft system to do any of the following:
- (1) Conduct surveillance of:
 - a. A person or a dwelling occupied by a person and that dwelling's curtilage without the person's consent.
 - b. Private real property without the consent of the owner, easement holder, or lessee of the property.
 - (2) Photograph an individual, without the individual's consent, for the purpose of publishing or otherwise publicly disseminating the photograph. This subdivision shall not apply to newsgathering, newsworthy events, or events or places to which the general public is invited.
- (c) Law Enforcement Exceptions. – Notwithstanding the provisions of subsection (b) of this section, the use of unmanned aircraft systems by law enforcement agencies of the State or a political subdivision of the State is not prohibited in the following instances:
- (1) To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security or the Secretary of the North Carolina Department of Public Safety determines that credible intelligence indicates that such a risk exists.
 - (2) To conduct surveillance in an area that is within a law enforcement officer's plain view when the officer is in a location the officer has a legal right to be.
 - (3) If the law enforcement agency first obtains a search warrant authorizing the use of an unmanned aircraft system.
 - (4) If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, to conduct pursuit of an escapee or suspect, or to facilitate the search for a missing person.
 - (5) To photograph gatherings to which the general public is invited on public or private land.
- (c1) Emergency Management Exception. – Notwithstanding the provisions of subsection (b) of this section, an emergency management agency, as defined in G.S. 166A-19.3, may use unmanned aircraft systems for all functions and activities related to emergency management, including incident command, area reconnaissance, search and rescue, preliminary damage assessment, hazard risk management, and floodplain mapping.

(d) Repealed by Session Laws 2017-160, s. 2, effective July 21, 2017.

(e) Any person who is the subject of unwarranted surveillance, or whose photograph is taken in violation of the provisions of this section, shall have a civil cause of action against the person, entity, or State agency that conducts the surveillance or that uses an unmanned aircraft system to photograph for the purpose of publishing or otherwise disseminating the photograph. In lieu of actual damages, the person whose photograph is taken may elect to recover five thousand dollars (\$5,000) for each photograph or video that is published or otherwise disseminated, as well as reasonable costs and attorneys' fees and injunctive or other relief as determined by the court.

(f) Evidence obtained or collected in violation of this section is not admissible as evidence in a criminal prosecution in any court of law in this State except when obtained or collected under the objectively reasonable, good-faith belief that the actions were lawful. (2014-100, s. 34.30(a); 2017-160, ss. 1-3.)