

GENERAL ASSEMBLY OF NORTH CAROLINA  
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HOUSE DRH30711-SAfz-16A (02/17)

Short Title: Unmanned Aircraft Regulation. (Public)

Sponsors: Representative Torbett.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE THE USE OF UNMANNED AIRCRAFT SYSTEMS, AS  
3 RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S  
4 COMMITTEE ON UNMANNED AIRCRAFT SYSTEMS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 15A of the General Statutes is amended by adding a new  
7 Article to read:

8 "Article 16B.

9 "Use of Unmanned Aircraft Systems.

10 **§ 15A-300.1. Restrictions on use of unmanned aircraft systems.**

11 (a) The following definitions apply to this section:

12 (1) Manned aircraft. – An aircraft, as defined in G.S. 63-1, that is operated with  
13 a person in or on the aircraft.

14 (2) Unmanned aircraft. – An aircraft, as defined in G.S. 63-1, that is operated  
15 without the possibility of human intervention from within or on the aircraft.

16 (3) Unmanned aircraft system. – An unmanned aircraft and associated elements,  
17 including communication links and components that control the unmanned  
18 aircraft that are required for the pilot in command to operate safely and  
19 efficiently in the national airspace system.

20 (b) Except as otherwise provided in this section, no person, entity, or State agency shall  
21 use an unmanned aircraft system to do any of the following:

22 (1) Conduct surveillance of:

23 a. An individual or a dwelling owned by an individual and that  
24 dwelling's curtilage without the individual's written consent.

25 b. A farm, dairy, ranch, or other agricultural industry without the  
26 written consent of the owner of the farm, dairy, ranch, or other  
27 agricultural industry.

28 (2) Photograph an individual, without the individual's written consent, for the  
29 purpose of publishing or otherwise publicly disseminating the photograph.  
30 This subdivision shall not apply to newsworthy events or events to which the  
31 public is invited.

32 (c) Notwithstanding the provisions of subsection (b) of this section, the use of  
33 unmanned aircraft systems by law enforcement agencies of the State, or a political subdivision  
34 of the State, is not prohibited in the following instances:



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- 1           (6)   Criteria under which the Division may waive licensure requirements for  
2           applicants currently holding a valid license to operate unmanned aircraft  
3           systems issued by another state or territory of the United States, the District  
4           of Columbia, or the United States.
- 5           (7)   A designation of the geographic area within which a licensee shall be  
6           authorized to operate an unmanned aircraft system.
- 7           (8)   Requirements pertaining to the collection, use, and retention of data by  
8           licensees obtained through the operation of unmanned aircraft systems, to be  
9           established in consultation with the State Chief Information Officer.
- 10          (9)   Requirements for the marking of each unmanned aircraft system operated  
11          pursuant to a license issued under this section sufficient to permit  
12          identification of the owner of the system and the person licensed to operate  
13          it.
- 14          (10) A system for providing agencies that conduct other operations within  
15          regulated airspace with the identity and contact information of licensees and  
16          the geographic areas within which the licensee is permitted to operate an  
17          unmanned aircraft system.
- 18          (e)   A person who operates an unmanned aircraft system for commercial purposes other  
19          than as permitted under this section shall for a first offense be guilty of an infraction and shall  
20          for a second or subsequent offense be guilty of a Class 3 misdemeanor.
- 21          (f)   The Division may issue rules and regulations to implement the provisions of this  
22          section."

23           **SECTION 5.(b)** The Division of Aviation of the Department of Transportation  
24 shall develop and implement the knowledge and skills test required by G.S. 63-95, as enacted  
25 in subsection (a) of this section, no later than February 1, 2015, and shall report to the Joint  
26 Legislative Transportation Oversight Committee on the status of implementation by March 1,  
27 2015.

28           **SECTION 5.(c)** The Division of Aviation of the Department of Transportation  
29 shall immediately begin developing the licensing system for commercial operation required by  
30 G.S. 63-96, as enacted in subsection (a) of this section, and shall ensure that the system  
31 complies with Federal Aviation Administration (FAA) guidelines on commercial operation, as  
32 those guidelines become available. Within 60 days of issuance of the FAA guidelines and  
33 authorization by the FAA for commercial operations to begin, the Division shall implement the  
34 licensing system required by G.S. 63-96, as enacted in subsection (a) of this section.

35           **SECTION 5.(d)** No operation of unmanned aircraft systems by agents or agencies  
36 of the State, or agents or agencies of a political subdivision of the State, shall be authorized in  
37 this State until the knowledge and skills test required by G.S. 63-95, as enacted in subsection  
38 (a) of this section, has been implemented.

39           No operation of unmanned aircraft systems for commercial purposes shall be  
40 authorized in this State until the FAA has authorized commercial operations and the licensing  
41 system required by G.S. 63-96, as enacted in subsection (a) of this section, has been  
42 implemented.

43           **SECTION 6.** Section 7.16(e) of S.L. 2013-360 is repealed.

44           **SECTION 7.** Sections 1 and 6 of this act become effective when the Division of  
45 Aviation of the Department of Transportation has implemented the knowledge and skills test  
46 required by G.S. 63-95, as enacted in Section 5 of this act, or February 1, 2015, whichever  
47 occurs first. Sections 2, 3, and 4 of this act become effective December 1, 2014, and apply to  
48 offenses committed on or after that date. The remainder of this act is effective when it becomes  
49 law.