

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1099
Committee Substitute Favorable 6/25/14

Short Title: Unmanned Aircraft Regulation.

(Public)

Sponsors:

Referred to:

May 19, 2014

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) Definitions. – The following definitions apply to this Article:

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) Model aircraft. – An aircraft, as defined in G.S. 63-1, that is mechanically
15 driven or launched into flight, and which meets all of the following
16 requirements:

17 a. Is flown solely for hobby or recreational purposes.

18 b. Is not used for payment, consideration, gratuity, or benefit,
19 directly or indirectly charged, demanded, received, or
20 collected by any person for the use of the aircraft or any
21 photographic or video image produced by the aircraft.

22 (3) Unmanned aircraft. – An aircraft, as defined in G.S. 63-1, that is operated
23 without the possibility of human intervention from within or on the aircraft
24 and that does not meet the definition of model aircraft.

25 (4) Unmanned aircraft system. – An unmanned aircraft and associated elements,
26 including communication links and components that control the unmanned
27 aircraft that are required for the pilot in command to operate safely and
28 efficiently in the national airspace system.

29 (b) General Prohibitions. – Except as otherwise provided in this section, no person,
30 entity, or State agency shall use an unmanned aircraft system to do any of the following:

31 (1) Conduct surveillance of:

32 a. A person or a dwelling occupied by a person and that dwelling's
33 curtilage without the person's consent.

34 b. Private real property without the consent of the owner, easement
35 holder, or lessee of the property.



1 All crimes committed by use of an unmanned aircraft system, as defined in G.S. 15A-300.1,
2 while in flight over this State, shall be governed by the laws of this State; and the question of
3 whether the conduct by an unmanned aircraft system while in flight over this State constitutes a
4 crime by the owner of the unmanned aircraft system shall be determined by the laws of this
5 State."

6 **SECTION 3.** Article 36 of Chapter 14 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 14-280.3. Interference with manned aircraft by unmanned aircraft systems.**

9 (a) Any person who willfully damages, disrupts the operation of, or otherwise interferes
10 with a manned aircraft through use of an unmanned aircraft system, while the manned aircraft
11 is taking off, landing, in flight, or otherwise in motion, is guilty of a Class H felony.

12 (b) The following definitions apply to this section:

13 (1) Manned aircraft. – As defined in G.S. 15A-300.1.

14 (2) Unmanned aircraft system. – As defined in G.S. 15A-300.1."

15 **SECTION 4.** Article 52 of Chapter 14 of the General Statutes is amended by
16 adding a new section to read:

17 **"§ 14-401.24. Unlawful possession and use of unmanned aircraft systems.**

18 (a) It shall be a Class E felony for any person to possess or use an unmanned aircraft or
19 unmanned aircraft system that has a weapon attached.

20 (b) It shall be a Class 1 misdemeanor for any person to fish or to hunt using an
21 unmanned aircraft system.

22 (c) The following definitions apply to this section:

23 (1) To fish. – As defined in G.S. 113-130.

24 (2) To hunt. – As defined in G.S. 113-130.

25 (3) Unmanned aircraft. – As defined in G.S. 15A-300.1.

26 (4) Unmanned aircraft system. – As defined in G.S. 15A-300.1.

27 (5) Weapon. – Those weapons specified in G.S. 14-269, 14-269.2, 14-284.1, or
28 14-288.8 and any other object capable of inflicting serious bodily injury or
29 death when used as a weapon.

30 (d) This section shall not prohibit possession or usage of an unmanned aircraft or
31 unmanned aircraft system that is authorized by federal law or regulation."

32 **SECTION 5.** Article 52 of Chapter 14 of the General Statutes is amended by
33 adding a new section to read:

34 **"§ 14-401.25. Unlawful distribution of images.**

35 It shall be a Class A1 misdemeanor to publish or disseminate, for any purpose, recorded
36 images taken by a person or non-law enforcement entity through the use of infrared or other
37 similar thermal imaging technology attached to an unmanned aircraft system, as defined in
38 G.S. 15A-300.1, and revealing individuals, materials, or activities inside of a structure without
39 the consent of the property owner."

40 **SECTION 6.** G.S. 113-295 reads as rewritten:

41 **"§ 113-295. Unlawful harassment of persons taking wildlife resources.**

42 (a) It is unlawful for a person to interfere intentionally with the lawful taking of wildlife
43 resources or to drive, harass, or intentionally disturb any wildlife resources for the purpose of
44 disrupting the lawful taking of wildlife resources. It is unlawful to take or abuse property,
45 equipment, or hunting dogs that are being used for the lawful taking of wildlife resources. This
46 subsection does not apply to a person who incidentally interferes with the taking of wildlife
47 resources while using the land for other lawful activity such as agriculture, mining, or
48 recreation. This subsection also does not apply to activity by a person on land he owns or
49 leases.

50 Violation of this subsection is a Class 2 misdemeanor for a first conviction and a Class 1
51 misdemeanor for a second or subsequent conviction.

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

26 **SECTION 7.(b)** The Division of Aviation of the Department of Transportation
27 shall develop and implement the knowledge and skills test required by G.S. 63-95, as enacted
28 in subsection (a) of this section, no later than May 31, 2015, and shall report to the Joint
29 Legislative Transportation Oversight Committee on the status of implementation by June 15,
30 2015.

31 **SECTION 7.(c)** The Division of Aviation of the Department of Transportation
32 shall immediately begin developing the licensing system for commercial operation required by
33 G.S. 63-96, as enacted in subsection (a) of this section, and shall ensure that the system
34 complies with Federal Aviation Administration (FAA) guidelines on commercial operation, as
35 those guidelines become available. Within 60 days of issuance of the FAA guidelines and
36 authorization by the FAA for commercial operations to begin, the Division shall implement the
37 licensing system required by G.S. 63-96, as enacted in subsection (a) of this section.

38 **SECTION 7.(d)** No operation of unmanned aircraft systems by agents or agencies
39 of the State, or agents or agencies of a political subdivision of the State, shall be authorized in
40 this State until the knowledge and skills test required by G.S. 63-95, as enacted in subsection
41 (a) of this section, has been implemented.

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

46 **SECTION 8.** Section 7.16(e) of S.L. 2013-360 is repealed.

47 **SECTION 9.** Section 1 of this act becomes effective October 1, 2014, and applies
48 to acts occurring on or after that date. Sections 2, 3, 4, 5, and 6 of this act become effective
49 December 1, 2014, and apply to offenses committed on or after that date. Section 8 of this act
50 becomes effective when the Division of Aviation of the Department of Transportation has
51 implemented the knowledge and skills test required by G.S. 63-95, as enacted in Section 7 of

1 this act, or May 31, 2015, whichever occurs first. The remainder of this act is effective when it
2 becomes law.