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Short Title: Dealer Loaners/Unmanned Aircraft/Brunswick Co.

(Public)

Sponsors:

Referred to:

March 26, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE UNIFORM TREATMENT OF FRANCHISED DEALER LOANER VEHICLES; TO CLARIFY THAT AGENTS OR AGENCIES OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL HAVE AUTHORITY TO PROCURE AND OPERATE UNMANNED AIRCRAFT SYSTEMS UPON APPROVAL OF THE STATE CHIEF INFORMATION OFFICER AND TO MODIFY THE REGULATION OF UNMANNED AIRCRAFT SYSTEMS TO CONFORM TO FAA GUIDELINES; AND TO AUTHORIZE BRUNSWICK COUNTY TO REGULATE NAVIGABLE WATERS WITHIN ITS BOUNDARIES.

The General Assembly of North Carolina enacts:

PART I. UNIFORM TREATMENT OF FRANCHISED DEALER LOANER VEHICLES

SECTION 1.1.(a) G.S. 20-4.01(48a) reads as rewritten:

"(48a) U-drive-it vehicles. – The following vehicles that are either rented to a person, to be operated by that ~~person~~ person, or loaned by a franchised motor vehicle dealer, with or without charge, to a customer of that dealer who is having a vehicle serviced or repaired by the dealer:

- a. A private passenger vehicle other than the following:
 1. A private passenger vehicle of nine-passenger capacity or less that is rented for a term of one year or more.
 2. A private passenger vehicle that is rented to public school authorities for driver-training instruction.
- b. A property-hauling vehicle under 7,000 pounds that does not haul products for hire and that is rented for a term of less than one year.
- c. Motorcycles."

SECTION 1.1.(b) This section is effective when this act becomes law and expires December 31, 2018.

SECTION 1.2. G.S. 20-286(10), as amended by Section 8 of S.L. 2015-125, reads as rewritten:

"(10) Motor vehicle. – Any motor propelled vehicle, trailer or semitrailer, required to be registered under the laws of this State. This term does not include mopeds, as that term is defined in G.S. 20-4.01.

- a. "New motor vehicle" means a motor vehicle that has never been the subject of a completed, successful, or conditional sale that was



1 subsequently approved other than between new motor vehicle
2 dealers, or between a manufacturer and a new motor vehicle dealer of
3 the same franchise. For purposes of this subdivision, the use of a new
4 motor vehicle by a new motor vehicle dealer for demonstration or
5 service loaner purposes does not render the new motor vehicle a used
6 motor vehicle, notwithstanding the commencement of (i) the
7 manufacturer's original warranty as a result of the franchised dealer's
8 use of the vehicle for demonstration or loaner purposes or the dealer's
9 receipt of incentive or warranty compensation or other
10 reimbursement or consideration from a manufacturer, factory branch,
11 distributor, distributor branch or (ii) a third-party warranty,
12 maintenance, or service contract company relating to the use of a
13 vehicle as a demonstrator or service loaner.

14 b. "Used motor vehicle" means a motor vehicle other than described in
15 paragraph (10)a above."

16 **SECTION 1.3.(a)** Article 3 of Chapter 20 of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 20-79.02. Loaner/Dealer "LD" license plate for franchised dealer loaner vehicles.**

19 (a) Application; Fee. – A franchised motor vehicle dealer, as defined in
20 G.S. 20-286(8b) and licensed in accordance with Article 12 of this Chapter, who agrees to loan,
21 with or without charge, a new motor vehicle owned by the dealer to a customer of the dealer
22 who is having his or her vehicle serviced by the dealer, may obtain a Loaner/Dealer "LD"
23 license plate for the vehicle by filing an application with the Division and paying the required
24 fee. Receipt by a franchised motor vehicle dealer of compensation or other consideration from
25 a manufacturer, distributor, manufacturer branch, distributor branch, third-party warranty,
26 maintenance or service contract company, or other third-party source related to a vehicle,
27 including, but not limited to, incentive compensation or reimbursement for maintenance,
28 repairs, or other work performed on the vehicle, does not prevent the franchised motor vehicle
29 dealer from receiving an LD license plate for the vehicle. An application must be filed on a
30 form provided by the Division and contain the information required by the Division. The
31 annual fee for an LD license plate is two hundred dollars (\$200.00) per 12 calendar months.

32 (b) Number of Plates. – There is no limit on the number of LD license plates that a
33 franchised motor vehicle dealer may be issued, provided that the applicable annual fee for each
34 plate is paid.

35 (c) Form and Duration. – An LD license plate is subject to G.S. 20-63, except for the
36 requirement that the plate display the registration number of a motor vehicle and the
37 requirement that the plate be a "First in Flight" or "First in Freedom" plate. An LD license plate
38 must have a distinguishing symbol identifying the plate as an LD license plate. Subject to the
39 limitations in this section, an LD license plate may continue in existence perpetually and may
40 be transferred to other vehicles in the dealer's loaner fleet when the vehicle on which the LD
41 license plate is displayed has been sold or leased to a third party or otherwise removed from the
42 dealer's loaner fleet.

43 (d) Restrictions on Use. – The following restrictions apply with regard to the use and
44 display of an LD license plate:

45 (1) An LD license plate may be displayed only on a motor vehicle that meets all
46 of the following requirements:

47 a. Is part of the inventory of a franchised motor vehicle dealer.

48 b. Is not consigned to the franchised motor vehicle dealer or affiliate.

49 c. Is covered by liability insurance that meets the requirements of
50 Article 9A of this Chapter; provided, however, that nothing herein
51 prevents or prohibits a franchised motor vehicle dealer from

1 contractually shifting the risk of loss and insurance requirements
2 contained in Article 9A of this Chapter to an individual or entity to
3 which a vehicle is loaned.

4 d. Is not used by the franchised motor vehicle dealer in another business
5 in which the dealer is engaged.

6 e. Is driven on a highway by a customer of the franchised motor vehicle
7 dealer who is having a vehicle serviced or repaired by the dealer.

8 (2) The person operating the motor vehicle must carry a copy of the assignment
9 by the franchised motor vehicle dealer and a copy of the registration card for
10 the LD license plate issued to the franchised motor vehicle dealer, or, if the
11 person is operating the motor vehicle in this State, the registration card must
12 be maintained on file at the franchised motor vehicle dealer's address listed
13 on the registration card, and the registration card must be able to be
14 produced within 24 hours upon request of a law enforcement officer.

15 (3) A vehicle displaying an LD license plate may be driven only by a person
16 who is licensed to drive the type of motor vehicle for which the plate is
17 issued.

18 (4) An LD license plate may be displayed only on the motor vehicle for which it
19 has been assigned by the franchised motor vehicle dealer.

20 (5) The franchised motor vehicle dealer to whom an LD license plate is issued is
21 responsible for completing and maintaining documentation prescribed by the
22 Division relating to the assignment of each motor vehicle on which an LD
23 license plate is displayed to a customer of the franchised dealer.

24 (e) Penalties. – A driver of a motor vehicle or a franchised motor vehicle dealer who
25 violates a restriction on the use or display of an LD license plate as set out in subsection (d) of
26 this section is subject to the penalties listed in this subsection. The clear proceeds of all civil
27 penalties, civil forfeitures, and civil fines that are collected pursuant to this section shall be
28 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. The
29 penalties are as follows:

30 (1) The driver of the motor vehicle who violates a restriction on the use or
31 display of an LD license plate is responsible for an infraction and is subject
32 to a penalty of one hundred dollars (\$100.00).

33 (2) A franchised motor vehicle dealer to whom the plate is issued who violates a
34 restriction on the use or display of an LD license plate is subject to an
35 infraction and is subject to a penalty of two hundred fifty dollars (\$250.00).
36 The Division may rescind all LD license plates issued to the franchised
37 motor vehicle dealer for knowing repeated violations of subsection (d) of
38 this section.

39 (f) Transfer of Dealer Registration. – A change in the name of a firm, partnership, or
40 corporation is not considered a new business, and the franchised motor vehicle dealer's LD
41 license plates may continue to be used.

42 (g) Applicability. – Prior to January 1, 2019, a new motor vehicle dealer may, but is not
43 required to, display an LD license plate on a service loaner vehicle. Beginning on or after
44 January 1, 2019, a new motor vehicle dealer shall display an LD license plate on any new
45 motor vehicle placed into service as a loaner vehicle if either of the following circumstances
46 exists:

47 (1) The new motor vehicle dealer is receiving incentive or warranty
48 compensation from a manufacturer, factory branch, distributor, or distributor
49 branch for the use of the vehicle as a service loaner.

50 (2) The new motor vehicle dealer is receiving a fee or other compensation from
51 the dealer's customers for the use of the vehicle as a service loaner."

1 **SECTION 1.3.(b)** This section becomes effective July 1, 2016.

2 **SECTION 1.4.(a)** G.S. 20-79(d) reads as rewritten:

3 "(d) Restrictions on Use. – A dealer license plate may be displayed only on a motor
4 vehicle that meets all of the following requirements:

- 5 (1) Is part of the inventory of the dealer.
6 (2) Is not consigned to the dealer.
7 (3) Is covered by liability insurance that meets the requirements of Article 9A of
8 this Chapter.
9 (4) Is not used by the dealer in another business in which the dealer is engaged.
10 (5) Is driven on a highway by a person who meets one of the following
11 descriptions:
12 a. Has a demonstration permit to test-drive the motor vehicle and
13 carries the demonstration permit while driving the motor vehicle.
14 b. Is an officer or sales representative of the dealer and is driving the
15 vehicle for a business purpose of the dealer.
16 c. Is an employee of the dealer and is driving the vehicle in the course
17 of employment.
18 d. Is an employee of the dealer or of a contractor of the dealer and is
19 driving the vehicle within a 20-mile radius of a place where the
20 vehicle is being repaired or otherwise prepared for sale.
21 e. Is an employee of the dealer or of a contractor of the dealer and is
22 transporting the vehicle to or from a vehicle auction or to the dealer's
23 established salesroom.
24 f. Is an officer, sales representative, or other employee of a franchised
25 motor vehicle dealer or is an immediate family member of an officer,
26 sales representative, or other employee of a franchised motor vehicle
27 dealer.
28 (6) A copy of the registration card for the dealer plate issued to the dealer is
29 carried by the person operating the motor vehicle or, if the person is
30 operating the motor vehicle in this State, the registration card is maintained
31 on file at the dealer's address listed on the registration card, and the
32 registration card must be able to be produced within 24 hours upon request
33 of any law enforcement officer.

34 A dealer may issue a demonstration permit for a motor vehicle to a person licensed to drive
35 that type of motor vehicle. A demonstration permit authorizes each person named in the permit
36 to drive the motor vehicle described in the permit for up to 96 hours after the time the permit is
37 issued. A dealer may, for good cause, renew a demonstration permit for one additional 96-hour
38 period. A franchised motor vehicle dealer is not prohibited from using a demonstration permit
39 pursuant to this subsection by reason of the dealer's receipt of (i) incentive or warranty
40 compensation or other reimbursement or consideration from a manufacturer, factory branch,
41 distributor, distributor branch or (ii) a third-party warranty, maintenance, or service contract
42 company relating to the use of the vehicle as a demonstrator or service loaner.

43 A dealer may not lend, rent, lease, or otherwise place a dealer license plate at the disposal
44 of a person except as authorized by this subsection."

45 **SECTION 1.4.(b)** This section is effective when this act becomes law and expires
46 December 31, 2018.

47 **PART II. UNMANNED AIRCRAFT SYSTEMS**

48 **SECTION 2.1.** Section 7.16(e) of S.L. 2013-360, as amended by Section 7.11(a) of
49 S.L. 2014-100, reads as rewritten:
50

1 ~~"SECTION 7.16.(e) Until December 31, 2015, no State or local governmental entity or~~
2 ~~officer may procure or operate an unmanned aircraft system or disclose personal information~~
3 ~~about any person acquired through the operation of an unmanned aircraft system unless the~~
4 ~~State CIO approves an exception specifically granting disclosure, use, or purchase. Any~~
5 ~~exceptions to the prohibition in this subsection shall be reported immediately the State CIO~~
6 ~~shall have the authority to approve or disapprove (i) the procurement or operation of an~~
7 ~~unmanned aircraft system by agents or agencies of the State or a political subdivision of the~~
8 ~~State and (ii) the disclosure of personal information about any person acquired through the~~
9 ~~operation of an unmanned aircraft system by agents or agencies of the State or a political~~
10 ~~subdivision of the State. When making a decision under this subsection, the State CIO may~~
11 ~~consult with the Division of Aviation of the Department of Transportation. The State CIO shall~~
12 ~~immediately report to the Joint Legislative Oversight Committee on Information Technology~~
13 ~~and the Fiscal Research Division. Division on all decisions made under this subsection.~~
14 ~~Notwithstanding G.S. 63-95(c), agents or agencies of the State or a political subdivision of the~~
15 ~~State that receive State CIO approval under this subsection may procure or operate an~~
16 ~~unmanned aircraft system prior to the implementation of the knowledge test required by~~
17 ~~G.S. 63-95. In addition to receiving approval from the State CIO under this subsection, agents~~
18 ~~or agencies of the State or a political subdivision of the State who submit a request on or after~~
19 ~~the date of implementation of the knowledge test required by G.S. 63-95 shall also be subject to~~
20 ~~the provisions of that section. The following definitions apply in this section:~~

21 (1) "Unmanned aircraft" means an aircraft that is operated without the
22 possibility of human intervention from within or on the aircraft.

23 (2) "Unmanned aircraft system" means an unmanned aircraft and associated
24 elements, including communication links and components that control the
25 unmanned aircraft that are required for the pilot in command to operate
26 safely and efficiently in the national airspace system."

27 **SECTION 2.2.** Section 34.30(j) of S.L. 2014-100 reads as rewritten:

28 ~~"SECTION 34.30.(j) No Except as authorized under Section 7.16(e) of S.L. 2013-360, as~~
29 ~~amended by Section 7.11(a) of S.L. 2014-100, no operation of unmanned aircraft systems by~~
30 ~~agents or agencies of the State, or agents or agencies of State or a political subdivision of the~~
31 ~~State, State shall be authorized in this State until the knowledge and skills test required by~~
32 ~~G.S. 63-95, as enacted in subsection (g) of this section, has been implemented.~~

33 ~~No operation of unmanned aircraft systems for commercial purposes shall be authorized in~~
34 ~~this State until the FAA has authorized commercial operations and the licensing system~~
35 ~~required by G.S. 63-96, as enacted in subsection (g) of this section, has been implemented."~~

36 **SECTION 2.3.** G.S. 63-95(b) reads as rewritten:

37 "(b) The Division shall develop a knowledge ~~and skills~~ test for operating an unmanned
38 aircraft system that complies with all applicable State and federal regulations and shall provide
39 for administration of the test. The test shall ensure that the operator of an unmanned aircraft
40 system is knowledgeable of the State statutes and regulations regarding the operation of
41 unmanned aircraft systems. The Division may permit a person, including an agency of this
42 State, an agency of a political subdivision of this State, an employer, or a private training
43 facility, to administer the test developed pursuant to this subsection, provided the test is the
44 same as that administered by the Division and complies with all applicable State and federal
45 regulations."

46 **SECTION 2.4.** G.S. 63-96 reads as rewritten:

47 ~~"§ 63-96. License Permit required for commercial operation of unmanned aircraft~~
48 ~~systems.~~

49 (a) No person shall operate an unmanned aircraft system, as defined in G.S. 15A-300.1,
50 in this State for commercial purposes unless the person is in possession of a ~~license~~ permit
51 issued by the Division valid for the unmanned aircraft system being operated. Application for

1 ~~such license~~ the permit shall be made in the manner provided by the Division. Unless
2 suspended or revoked, the ~~license~~ permit shall be effective for a period to be established by the
3 Division not exceeding eight years.

4 (b) No person shall be issued a ~~license~~ permit under this section unless all of the
5 following apply:

6 (1) The person is at least ~~18~~ 17 years of age.

7 (2) The person possesses a valid drivers license issued by any state or territory
8 of the United States or the District of Columbia.

9 (3) The person has passed the knowledge ~~and skills~~ test for operating an
10 unmanned aircraft system as prescribed in G.S. 63-95(b).

11 (4) The person has satisfied all other applicable requirements of this Article or
12 federal regulation.

13 (c) A ~~license~~ permit to operate an unmanned aircraft system for commercial purposes
14 shall not be issued to a person while the person's license or permit to operate an unmanned
15 aircraft system is suspended, revoked, or cancelled in any state.

16 (d) The Division shall develop and administer a program that complies with all
17 applicable federal regulations to license ~~issue permits to operators~~ of unmanned aircraft
18 systems for commercial purposes. The program must include the following components:

19 (1) A system for classifying unmanned aircraft systems based on characteristics
20 determined to be appropriate by the Division.

21 (2) A fee structure for ~~licenses~~ permits.

22 (3) A ~~license~~ permit application ~~process~~ process, which shall include a
23 requirement that the Division provide notice to an applicant of the Division's
24 decision on issuance of a permit no later than 10 days from the date the
25 Division receives the applicant's application.

26 (4) Technical guidance for complying with program requirements.

27 (5) Criteria under which the Division may suspend or revoke a ~~license~~ permit.

28 (6) Criteria under which the Division may waive ~~license~~ permitting
29 requirements for applicants currently holding a valid license or permit
30 to operate unmanned aircraft systems issued by another state or territory of the
31 United States, the District of Columbia, or the United States.

32 (7) A designation of the geographic area within which a ~~licensee~~ permittee shall
33 be authorized to operate an unmanned aircraft system. The rules adopted by
34 the Division for designating a geographic area pursuant to this subdivision
35 shall be no more restrictive than the rules or regulations adopted by the
36 Federal Aviation Administration for designating a geographic area for the
37 commercial operation of unmanned aircraft systems.

38 (8) Requirements pertaining to the collection, use, and retention of data by
39 ~~licensees~~ permittees obtained through the operation of unmanned aircraft
40 systems, to be established in consultation with the State Chief Information
41 Officer.

42 (9) Requirements for the marking of each unmanned aircraft system operated
43 pursuant to a ~~license~~ permit issued under this section sufficient to ~~permit~~
44 allow identification of the owner of the system and the person ~~licensed~~
45 issued a permit to operate it.

46 (10) A system for providing agencies that conduct other operations within
47 regulated airspace with the identity and contact information of ~~licensees~~
48 permittees and the geographic areas within which the ~~licensee~~ permittee is
49 ~~permitted~~ authorized to operate an unmanned aircraft system.

50 (e) A person who operates an unmanned aircraft system for commercial purposes other
51 than as ~~permitted~~ authorized under this section shall be guilty of a Class 1 misdemeanor.

1 (f) The Division may issue rules and regulations to implement the provisions of this
2 section."

3 **SECTION 2.5.** Prior to the implementation of the knowledge test and permitting
4 process required by G.S. 63-96, any person authorized by the FAA for commercial operation of
5 an unmanned aircraft system in this State shall not be in violation of that statute, provided that
6 the person makes application for a State permit for commercial operation within 60 days of the
7 full implementation of the permitting process and is issued a State commercial operation permit
8 in due course.

9
10 **PART III. BRUNSWICK COUNTY TO REGULATE NAVIGABLE WATERS WITHIN**
11 **ITS BOUNDARIES**

12 **SECTION 3.1.** The Board of Commissioners of Brunswick County may adopt and
13 enforce ordinances for the navigable waters within the county's jurisdictional boundaries that (i)
14 relate to the operation of boats and vessels, including restrictions concerning the types of
15 activities conducted on the navigable waters within the jurisdictional limits of the county; (ii)
16 restrict the anchoring of boats and vessels as to location; and (iii) generally regulate the
17 anchoring of vessels within its navigable waters. The Board may make all reasonable rules and
18 regulations as it deems necessary for the safe and proper use of the navigable waters within the
19 jurisdictional limits of the county for the occupants of boats and vessels, swimmers, fishermen,
20 and others using the navigable waters and may provide for enforcement of ordinances adopted
21 by the county under this section in accordance with G.S. 153A-123.

22 **SECTION 3.2.** If any rules or regulations of the North Carolina Wildlife Resources
23 Commission, the Division of Marine Fisheries of the Department of Environment and Natural
24 Resources, the Marine Fisheries Commission, the U.S. Coast Guard, or the U.S. Army Corps of
25 Engineers expressly conflict with ordinances adopted by the county under the authority granted
26 by this section, then the State or federal rule or regulation shall prevail over the county
27 ordinance to the extent of the conflict.

28 **SECTION 3.3.** Brunswick County may appropriate funds to carry out the power
29 and authority granted by this section.

30 **SECTION 3.4.** If any part or parts of this section are held unconstitutional, the
31 unconstitutionality shall not affect the validity of the remaining parts of this section.

32
33 **PART IV. EFFECTIVE DATE**

34 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
35 law.