

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 4
Committee Substitute Favorable 4/16/15

Short Title: Clarify Unmanned Aircraft System Law.

(Public)

Sponsors:

Referred to:

January 29, 2015

A BILL TO BE ENTITLED

AN ACT 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.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7.16(e) of S.L. 2013-360, as amended by Section 7.11(a) of S.L. 2014-100, reads as rewritten:

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

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



1 **SECTION 2.** Section 34.30(j) of S.L. 2014-100 reads as rewritten:

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

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

10 **SECTION 3.** G.S. 63-95(b) reads as rewritten:

11 "(b) The Division shall develop a knowledge ~~and skills~~-test for operating an unmanned
12 aircraft system that complies with all applicable State and federal regulations and shall provide
13 for administration of the test. The test shall ensure that the operator of an unmanned aircraft
14 system is knowledgeable of the State statutes and regulations regarding the operation of
15 unmanned aircraft systems. The Division may permit a person, including an agency of this
16 State, an agency of a political subdivision of this State, an employer, or a private training
17 facility, to administer the test developed pursuant to this subsection, provided the test is the
18 same as that administered by the Division and complies with all applicable State and federal
19 regulations."

20 **SECTION 4.** G.S. 63-96 reads as rewritten:

21 "**§ 63-96. License-Permit required for commercial operation of unmanned aircraft**
22 **systems.**

23 (a) No person shall operate an unmanned aircraft system, as defined in G.S. 15A-300.1,
24 in this State for commercial purposes unless the person is in possession of a ~~license-permit~~
25 issued by the Division valid for the unmanned aircraft system being operated. Application for
26 such ~~license-permit~~ shall be made in the manner provided by the Division. Unless suspended or
27 revoked, the ~~license-permit~~ shall be effective for a period to be established by the Division not
28 exceeding eight years.

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

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

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

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

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

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

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

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

46 (2) A fee structure for ~~licenses-permits~~.

47 (3) A ~~license-permit~~ application process.

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

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

50 (6) Criteria under which the Division may waive ~~license-permitting~~
51 requirements for applicants currently holding a valid license or permit to

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

21 **SECTION 5.** Prior to the implementation of the knowledge test and permitting
22 process required by G.S. 63-96, any person authorized by the FAA for commercial operation of
23 an unmanned aircraft system in this State shall not be in violation of that statute, provided that
24 they make application for a State permit for commercial operation within 60 days of the full
25 implementation of the permitting process and are issued a State commercial operation permit in
26 due course.

27 **SECTION 6.** This act is effective when it becomes law.