

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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BILL DRAFT 2013-SA-13 [v.4] (02/17)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

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Short Title: Unmanned Aircraft Regulation.

(Public)

Sponsors: Representative.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE USE OF UNMANNED AIRCRAFT SYSTEMS.
3 The General Assembly of North Carolina enacts:
4 **SECTION 1.** Chapter 15A of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 16B.

7 **USE OF UNMANNED AIRCRAFT SYSTEMS**

8 **"§ 15A-300.1. Restrictions on Use of Unmanned Aircraft Systems.**

9 (a) For purposes of this section, the term "unmanned aircraft system" means an
10 unmanned aircraft vehicle, drone, remotely piloted vehicle, remotely piloted aircraft or
11 remotely operated aircraft that is a powered aerial vehicle that does not carry a human operator,
12 can fly autonomously or remotely and can be expendable or recoverable. "Unmanned aircraft
13 system" does not include model flying airplanes or rockets including, but not limited to, those
14 that are radio controlled or otherwise remotely controlled and that are used purely for sport or
15 recreational purposes.

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

18 (1) Conduct surveillance or observation of:

19 a. An individual or a dwelling owned by an individual and that
20 dwelling's curtilage, without the individual's written consent.

21 b. A farm, dairy, ranch or other agricultural industry without the written
22 consent of the owner of the farm, dairy, ranch or other agricultural
23 industry.

24 (2) Photograph an individual, without the individual's written consent, for the
25 purpose of publishing or otherwise publicly disseminating the photograph.

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

29 (1) To counter a high risk of a terrorist attack by a specific individual or
30 organization if the United States Secretary of Homeland Security determines
31 that credible intelligence indicates that there is such a risk.

32 (2) If the law enforcement agency first obtains a search warrant authorizing the
33 use of an unmanned aircraft system.



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(3) 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, or to facilitate the search for a missing person.

(4) To photograph gatherings of the public on public or private land.

(d) Any person who is the subject of unwarranted surveillance or observation, 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 observation, or that uses an unmanned aircraft system to photograph for the purpose of publishing or otherwise disseminating the photograph..

(e) 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."

SECTION 2. This act becomes effective December 1, 2014.