



HOUSE BILL 4: Clarify Unmanned Aircraft System Law

2015-2016 General Assembly

Committee:	House Local Government, if favorable, Judiciary I	Date:	April 16, 2015
Introduced by:	Rep. Torbett	Prepared by:	Kelly Tornow
Analysis of:	PCS to First Edition H4-CSSA-20		Committee Counsel

SUMMARY: *House Bill 4 would clarify that agents or agencies of the State or a political subdivision of the State have the authority to procure and operate unmanned aircraft systems upon approval of the State CIO and would modify the regulation of unmanned aircraft systems to comply with federal guidelines.*

The PCS adds Sections 3, 4, and 5 to the bill.

Section 1

CURRENT LAW: Until December 31, 2015, no State or local governmental entity or officer can 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 Chief Information Officer (CIO) approves an exception specifically granting disclosure, use, or purchase. Any exceptions to the prohibition must be immediately reported to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division.

BILL ANALYSIS: Section 1 would clarify and expand the authority of the State CIO to approve or disapprove of the procurement and operation of an unmanned aircraft system by agents or agencies of the State or a political subdivision of the State and the disclosure of personal information acquired through the operation of an unmanned aircraft system by agents or agencies of the State or a political subdivision of the State. The State CIO would be able to consult with the Division of Aviation of the Department of Transportation (Division) when making such decisions. Agents or agencies of the State that receive approval from the State CIO would be able to procure or operate an unmanned aircraft system prior to the implementation of the knowledge and skills test required by G.S. 63-95. Agents or agencies of the State or a political subdivision of the State who submit requests on or after the date of implementation of the knowledge and skills test would be required to have both CIO approval (until December 31, 2015) and pass the knowledge and skills test.

Section 2

CURRENT LAW: Currently an inconsistency exists between one provision that prohibits agents or agencies of the State or a political subdivision of the State from operating an unmanned aircraft system until the knowledge and skills test required by G.S. 63-95 is implemented, and another provision that requires approval by the State CIO for procurement or operation of an unmanned aircraft system by agents or agencies of the State or a political subdivision of the State until December 31, 2015.

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House Bill 4

Page 2

BILL ANALYSIS: Section 2 would resolve the inconsistency by authorizing the State CIO to approve the procurement and operation of unmanned aircraft systems by agents or agencies of the State or a political subdivision of the State before the knowledge and skills test is implemented.

Section 3

CURRENT LAW: The Division is required to develop a knowledge and skills test for operating an unmanned aircraft system and provide for administration of the test.

BILL ANALYSIS: Because proposed federal regulations would already require operators of unmanned aircraft systems to pass a knowledge test of federal regulations, Section 3 would clarify that the State test must ensure that the operator of an unmanned aircraft system is knowledgeable of the State statutes and regulations regarding the operation of unmanned aircraft systems.

Section 4

CURRENT LAW: G.S. 63-96 requires a license for the commercial operation of unmanned aircraft systems. To be issued a license, a person must be at least 18 years old, possess a valid drivers license, pass the knowledge test, and satisfy other applicable requirements.

BILL ANALYSIS: To align with federal regulations, Section 4 would replace the term "license" with "permit", reduce the age at which a person can receive a permit, and make conforming changes.

Section 5

CURRENT LAW: G.S. 63-96 requires commercial operators to pass the knowledge test before operating an unmanned aircraft system.

BILL ANALYSIS: Section 5 would provide that prior to implementation of the knowledge test, any person authorized by the FAA for commercial operation of an unmanned aircraft system in this State is not in violation of G.S. 63-96 as long as he or she applies for a State permit for commercial operation within 60 days of the full implementation of the permitting process and is subsequently issued a State commercial operation permit.

EFFECTIVE DATE: This act is effective when it becomes law.