



2015-2016 General Assembly

SENATE BILL 446: Dealer Loaners/Unmanned Aircraft/Brunswick County, Part II: Unmanned Aircraft Systems Changes

Committee:
Introduced by:
Analysis of: Part II of S.L. 2015-232

Date:
Prepared by: Susan Sitze
Staff Attorney

SUMMARY: *Part II of S.L. 2015-232 clarifies 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 Chief Information Officer, and modifies State regulation of unmanned aircraft systems to comply with federal guidelines.*

This part became effective August 25, 2015.

BILL ANALYSIS:

PART II: UNMANNED AIRCRAFT SYSTEMS CHANGES

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.

Section 2.1 clarifies and expands 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 is 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 are 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 are required to have both CIO approval (until December 31, 2015) and pass the knowledge and skills test.

Section 2.2 resolves an inconsistency that existed between one provision that prohibited 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 required 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.

This act resolves 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.

*Karen Cochrane-
Brown
Director*



*Research Division
(919) 733-2578*

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

Because proposed federal regulations would already require operators of unmanned aircraft systems to pass a knowledge test of federal regulations, **Section 2.3** clarifies 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.

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 driver's license, pass the knowledge test, and satisfy other applicable requirements.

To align with federal regulations, **Section 2.4** replaces the term "license" with "permit", reduces the age at which a person can receive a permit, and makes conforming changes.

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

Section 2.5 provides 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: Part II of this act became effective August 25, 2015.