



HOUSE BILL 94: Emergency Management/Drone Use.

2017-2018 General Assembly

Committee:	House Judiciary III. If favorable, re-refer to Transportation	Date:	March 20, 2017
Introduced by:	Reps. Speciale, Pittman, Torbett, Cleveland	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	PCS to First Edition H94-CSBD-9		

OVERVIEW: *House Bill 94 (proposed committee substitute) would authorize an emergency management agency, as defined in G.S. 166A-19.3(9) to use an unmanned aircraft system (UAS) in certain emergency response situations. The bill would be effective when it becomes law.*

The PCS clarifies the title to reflect that the authorization would apply to an emergency management "agency" (rather than emergency management services personnel) using a UAS for emergency "management" (rather than emergency medical) response purposes. The PCS defines emergency management agency as it is defined in G.S. 166A-19.3(9).

CURRENT LAW: Subject to an exception for certain law enforcement activities and general newsworthy or public events, North Carolina law (G.S.15A-300.1) prohibits any person, entity, or State agency from using a UAS to (i) conduct non-consensual surveillance of persons, dwellings, or private real property or to (ii) photograph an individual with the intent to publish or disseminate the photograph. Persons subjected to unwarranted UAS surveillance or whose photograph is unlawfully taken for the purpose of publication or dissemination have a cause of action against the offending person, entity, or State agency. In lieu of actual damages a person whose photograph is unlawfully taken may elect to recover \$5,000.00 for each photograph or video that is published or disseminated, and may obtain injunctive relief as well as reasonable costs and attorneys fees. G.S. 15A-300.1(e).

All State or local government UAS operators are required to complete a knowledge test demonstrating knowledge of State statutes and regulations regarding UAS operation. (G.S. 63-95)

BILL ANALYSIS: House Bill 94 (proposed committee substitute) would add an exception to the general prohibition against UAS use to allow an "emergency management agency," defined under G.S. 166A-19.3(9) as a State or local government agency charged with coordination of all emergency management activities for its jurisdiction, to use a UAS for the following:

- Incident command.
- Area reconnaissance.
- Personnel and equipment deployment monitoring.
- Other related emergency management response purposes.

EFFECTIVE DATE: The bill would be effective when it becomes law.

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