**A** **BILL**

TO AMEND TITLE 55 OF THE 1976 CODE, RELATING TO AERONAUTICS, BY ADDING CHAPTER 12, TO REGULATE THE USE OF UNMANNED AIRCRAFT SYSTEMS, TO PROHIBIT THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS IN CLOSE PROXIMITY TO CRITICAL INFRASTRUCTURE, INCLUDING POLITICAL SUBDIVISIONS, TO PROHIBIT THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS IN A MANNER THAT ENDANGERS ANOTHER’S LIFE OR PROPERTY, TO PROHIBIT THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, TO PROVIDE THAT THE OPERATION OF AN UNMANNED AIRCRAFT SYSTEM MAY, UNDER CERTAIN CIRCUMSTANCES, VIOLATE A COURT-ISSUED RETRAINING ORDER, AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 55 of the 1976 Code is amended by adding:

CHAPTER 12

Unmanned Aircraft Systems

Section 55-12-10. For the purposes of this chapter:

(1) ‘First responder’ means an emergency medical services provider, a law enforcement officer, or a fire department worker directly engaged in examining, treating, or directing persons during an emergency.

(2) ‘Operate’ means to fly, control, direct, or program the flight of an unmanned aircraft system.

(3) ‘Person’ means an individual, firm, partnership, corporation, company, association, joint‑stock association, governmental entity, trustee, receiver, assignee, or similar representative.

(4) ‘Unmanned aircraft’ means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(5) ‘Unmanned aircraft system’ means an unmanned aircraft and associated elements, including communication links and the components that control the unmanned aircraft, that are required for an operator in command to operate safely and efficiently.

Section 55-12-20. (A) Except as otherwise prohibited by federal law or Federal Aviation Administration regulations, a person who is authorized by federal law to operate an unmanned aircraft system may operate an unmanned aircraft system in this State for any legal purpose, provided that the person operates the unmanned aircraft system in a manner consistent with applicable federal law and regulations. Nothing in this section affects federal preemption of state law regarding aviation.

(B)(1) An owner, operator, or governing body of critical infrastructure, including a political subdivision, may apply to the Federal Aviation Administration to prohibit or restrict the operation of unmanned aircraft systems in close proximity to the critical infrastructure.

(2) In the case of a political subdivision’s governing body applying to the Federal Aviation Administration as provided in item (1), the governing body shall hold a minimum of one public hearing, with adequate notice to the public, concerning the proposed application.

Section 55-12-30. (A) It is unlawful for a person to operate an unmanned aircraft system in a manner that knowingly or intentionally endangers another’s life or property.

(B) A person who violates this section by endangering another’s life is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars, imprisoned for not more than three years, or both.

(C) A person who violates this section by endangering another’s property is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, imprisoned for not more than one year, or both.

Section 55-12-40. (A) It is unlawful for a person to operate an unmanned aircraft system in a manner that knowingly or intentionally interferes with a first responder who is actively engaged in response or actively engaged in air, water, vehicular, ground, or specialized transport.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, imprisoned for not more than one year, or both.

Section 55-12-50. (A) It is unlawful for a person to operate an unmanned aircraft system while under the influence of alcohol to the extent that the person’s faculties to operate the system are materially and appreciably impaired, under the influence of another drug or a combination of other drugs or substances that cause impairment to the extent that the person's faculties to operate the system are materially and appreciably impaired, or under the combined influence of alcohol and any other drug or drugs or substances that cause impairment to the extent that the person's faculties to operate the system are materially and appreciably impaired.

(B) It may be inferred that a person’s faculties to operate an unmanned aircraft system are materially and appreciably impaired by the consumption of alcohol if the person has a blood-alcohol concentration of eight one-hundredths of one percent or more at the time of operation.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, imprisoned for not more than one year, or both.

Section 55-12-60. It is a violation of any restraining order issued by a court, or any other court order restraining contact with a person or location, for a person subject to that order to knowingly operate an unmanned aircraft system to fly within a distance of a person or location that would violate that restraining order.”

SECTION 2. This act takes effect upon approval by the Governor.

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