



Unmanned Aerial Vehicles _ North Dakota

Unmanned Aerial Vehicle (UAV) & Aircraft System (UAS)

- Unmanned aerial vehicle (UAV) is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.
- An unmanned aircraft system is an unmanned aircraft and the equipment necessary for the safe and efficient operation of that aircraft. An unmanned aircraft is a component of a UAS.



State Legal Aspect of UAV & UAS

- Unmanned aerial vehicle means any aerial vehicle that is operated without the possibility of direct human intervention within or on the aerial vehicle. The term does not include satellites.
- Unmanned aerial vehicle system means an unmanned aerial vehicle and associated elements, including communication links and the components that control the unmanned aerial vehicle, which are required for the pilot in command to operate safely and efficiently in state airspace.



Restrictions on UAV Use

Law enforcement agencies are not permitted to authorize or issue permits for the use of unmanned aerial vehicles (UAVs) that are equipped with lethal weapons. The following uses of UAVs are prohibited:

- Private domestic surveillance. Law enforcement cannot grant permission for UAVs to be used by private individuals to monitor others without obtaining explicit, informed consent from the person being surveilled or from the owner of the property where the person is present.
- Surveillance of individuals exercising their constitutional rights, unless such surveillance is specifically allowed.



UAV Regulation in North Dakota

- The State of North Dakota does not currently require a state registration of Unmanned Aircraft Systems (UAS) unless using for aerial applying purposes but all aircraft weighing more than 0.55 pounds (250 grams) and less than 55 pounds (approx. 25 kilograms), including payloads such as on-board cameras, must register with the Federal Aviation Administration (FAA).
- During the registration process, each owner must provide his or her name, home address and e-mail address. When registration is complete, the web application will generate a Certificate of Aircraft Registration/Proof of Ownership including a unique identification number for the UAS owner, which must be marked on the aircraft. Owners using the model aircraft for hobby or recreation will only have to register once and may use the same identification number for all of their model UAS. The registration is valid for three years.



Drone Usage for Surveillance

- The Federal Aviation Administration does not regulate the purpose of drone use (e.g., surveillance) at a state level but enforces general safety rules regarding flight in airspace. North Dakota has specific restrictions related to surveillance. House Bill HB 1328 (2015) prohibits private surveillance of individuals without their consent, with exceptions for law enforcement use in certain situations like border patrol, exigent circumstances, and natural disasters.
- Law enforcement in North Dakota is also prohibited from using UAVs equipped with lethal weapons. These rules aim to protect privacy and civil liberties within the state.



Documentation of UAV Use

The person authorized to conduct the surveillance must document all UAV surveillance activities, including the duration, flight path, and mission objectives of each flight.

- a) The documented flight information must be verified for accuracy and completeness by the supervising individual authorized by a court to oversee the surveillance.
- b) The flight documentation must be retained for a period of five years.
- c) Any images or other data obtained through UAV surveillance that are not linked to a reasonable and articulable suspicion of evidence of a crime, or relevance to an ongoing investigation or trial, may not be retained for longer than ninety days.
- d) Except for information related to the technical operation and physical security of the UAV system, a person accused of a crime, whose case involves evidence obtained through UAV surveillance, may access all relevant surveillance information related to them through subpoena or discovery procedures available in criminal proceedings.



Permitted UAV Uses

The use of unmanned aerial vehicles (UAVs) for surveillance is not prohibited in the following circumstances:

- a. Border Patrol:** UAVs may be used to monitor and prevent illegal entry within twenty-five miles (40.23 kilometers) of national borders, including the prevention of illegal immigration, substances, or contraband.
- b. Exigent Circumstances:** Law enforcement may use UAVs when there is a reasonable belief that swift action is needed to prevent imminent danger to life or bodily harm.
- c. Environmental or Weather-related Disasters:** UAVs may be used by state or local authorities to ensure public safety, protect property, assess environmental damage, or evaluate situations like floods, erosion, contamination, or other weather-related impacts. This includes determining whether a state of emergency should be declared.
- d. Research, Education, and Development:** UAVs may be used for research, education, training, testing, or development activities carried out by schools, higher education institutions, or their collaborators focused on UAV systems and technologies.

Remote ID and Drone Insurance

- The FAA mandates Remote ID for most drones, which is a form of digital identification that broadcasts a drone's location and identification information. This rule aims to improve airspace safety and accountability. Drone insurance is not required by federal law.
- North Dakota follows the federal Remote ID rule and recommends drone insurance, especially for commercial drone operations.



Local Regulations for Commercial Drone

- Commercial drone operations are governed by Part 107 of the FAA regulations. This includes rules for operating drones for business purposes such as filming, surveying, or inspections. Commercial operators must pass the FAA's knowledge test to obtain a Remote Pilot Certificate (RPC).
- North Dakota follows the FAA for commercial drone operations, requiring operators to follow Part 107 guidelines. The state does not have additional commercial drone licensing or operational requirements but supports the FAA's procedures for flight authorizations, such as obtaining Low Altitude Authorization and Notification Capability (LAANC) for controlled airspace operations.



Regulations for Recreational Drone Usages

- Recreational drone use is governed by 49 USC 44809, which allows individuals to fly drones for personal enjoyment if they follow specific safety and operational guidelines. Recreational flyers must pass the Recreational UAS Safety Test (TRUST) and ensure their drones are registered if they exceed 0.55 lbs.
- North Dakota allows recreational drone use in accordance with FAA rules.

