



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** S. 0180 Introduced on January 8, 2019  
**Author:** McElveen  
**Subject:** Unmanned Aerial Vehicle Near Military Installation  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** March 6, 2019

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### **Fiscal Impact Summary**

The State Law Enforcement Division (SLED) reports that the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds because they can manage the enforcement required by this bill within existing resources. Since the bill is not tried in General Sessions Court, there will be no expenditure impact to the General Fund, Other Funds, or Federal Funds of the Judicial Department.

Any increase in expenditures from local law enforcement activity or detention in local facilities that may result from this bill is expected to be managed within each department's existing resources.

The state and local revenue from the implementation of this bill is undetermined because the bill creates a new misdemeanor for which there is no historical data.

### **Explanation of Fiscal Impact**

#### **Introduced on January 8, 2019**

#### **State Expenditure**

This bill makes it unlawful to intentionally and willfully operate an unmanned aerial vehicle within a horizontal distance of 500 feet or a vertical distance of 250 feet from the flight path of a federal military installation without written consent from the commander of the installation or his designee. The bill provides for exceptions in the case that the operator of the vehicle registers with the Federal Aviation Administration (FAA) as an operator of a commercial unmanned aerial vehicle; the vehicle is operated for the purpose of monitoring, operating, maintaining, or enhancing electric, communications, water conveyance, or transportation infrastructure or determining if repairs to such infrastructure are necessary; and the operator has notified the commander of the specific military installation or his designee no more than five days prior to each operation of the vehicle, provided the notification includes the vehicle's FAA registration number. The bill creates a misdemeanor offense punishable by a fine of not more than \$500 or imprisonment for not more than 30 days, or both.

An unmanned aerial vehicle may be confiscated by the specific military installation where the violation occurred, after which custody of the vehicle will be transferred to a local law enforcement agency. Confiscated vehicles are subject to forfeiture to SLED which may choose to either use or destroy the object. However, SLED may, upon request by a local law enforcement agency, relinquish custody of the vehicle to the local law enforcement agency. A

final determination of any associated legal proceeding must be rendered prior to a law enforcement agency disposing of a confiscated vehicle or prior to the object being returned to an innocent owner. An innocent owner must provide proof of ownership of the vehicle, certify that he was neither a consenting party nor had knowledge of the unlawful use of the vehicle, and certify that he will not release the vehicle to the person who was charged with the violation that resulted in the confiscation. It is the responsibility of the law enforcement agency having custody of a vehicle to notify an innocent owner when his vehicle will be available for release and to maintain records related to all confiscated vehicles. Once notified that his confiscated unmanned aerial vehicle is available for release, an innocent owner will have 30 days which to recover the vehicle; otherwise, it will be disposed of in the manner described with the bill.

**Judicial Department.** The department reports that the misdemeanor created by this bill would be triable in magistrate or municipal courts. The bill creates a new offense and there is no data upon which to determine an impact on magistrate or municipal courts caseloads. Since the bill is not tried in General Sessions Court, there will be no expenditure impact to the General Fund, Other Funds, or Federal Funds of the Judicial Department.

**State Law Enforcement Division.** Any enforcement of this bill by the South Carolina Law Enforcement Division will be handled by the agency's existing personnel and not result in additional expenditure.

#### **State Revenue**

Because the bill creates a new misdemeanor for which there is no historical data, the revenue impact on the General Fund and Other Funds is undetermined. Existing law distributes revenue generated as assessments and surcharges imposed on such convictions among the General Fund, specified state agencies and programs, and the local jurisdiction in which judgment is rendered.

#### **Local Expenditure**

Because the bill creates a new criminal offense, data is not available to project a change in law enforcement activity or detention in local facilities. However, any increase resulting specifically from this bill is expected to be managed within existing resources.

#### **Local Revenue**

Because the bill creates a new misdemeanor for which there is no historical data, the revenue impact on magistrate or municipal courts is undetermined. Existing law provides for the retention of part or all of the revenue generated from fines, assessments, and surcharges by the local jurisdiction processing the case.



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Frank A. Rainwater, Executive Director