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States' Unmanned Aerial Vehicle Laws:
New Jersey

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Current through November 11, 2022

NJ ST § 2C:40-27 Definitions; Operation of Unmanned Aircraft System; Application to Prohibit or Restrict Operation in Close Proximity to

a. As used in this act:
"Operate" means to fly, control, direct, or program the flight of an unmanned aircraft system.
"Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.
"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 the pilot in command to operate safely and efficiently.
b. Except as otherwise prohibited by P.L.2017, c. 315 (C.2C:40-27 et al.), 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 purpose, provided that the person operates the unmanned aircraft system in a manner consistent with applicable federal law and regulations. Nothing in this section shall be construed to affect federal preemption of State law regarding aviation.
For purposes of this subsection, "person" means an individual, partnership, corporation, association, governmental entity, or other legal or commercial entity.
c. An owner or operator of a critical infrastructure, including a political subdivision, may apply to the Administrator of the Federal Aviation Administration, pursuant to section 2209 of the "FAA Extension, Safety, and Security Act of 2016," Pub.L.114-190, in order to prohibit or restrict the operation of unmanned aircraft systems in close proximity to the critical infrastructure.

Prior to applying to the Administrator of the Federal Aviation Administration to prohibit or restrict the operation of unmanned aircraft systems in close proximity to a critical infrastructure, a political subdivision shall hold a minimum of one public hearing, with adequate notice to the public, concerning the proposed application.

NJ ST § 2C:40-29 Preemption of Inconsistent County or Municipal Laws, Ordinances, Resolutions, or Regulations

The provisions of P.L.2017, c. 315 (C.2C:40-27 et al.) shall preempt any law, ordinance, resolution, or regulation adopted by the governing body of a county or municipality concerning the private use of an unmanned aircraft system that is inconsistent with the provisions of this act.

NJ ST § 52:9X-12 SMART Research and Development Compact; Ratification

The State of New Jersey hereby ratifies the SMART Research and Development Compact with any other state legally joining therein, which compact is substantially as follows:

ARTICLE I

a. The shared borders, similar economic, environmental, and socioeconomic traits as well as the common historical attributes between the residents of Delaware, Maryland, New Jersey, and Pennsylvania, bind the four states into a common Mid-Atlantic region.

b. This region presents a rich framework of approximately 618 colleges and universities, including approximately 38 leading engineering colleges with a variety of technical expertise and ingenious research and development programs within every field of science and technology.

c. This region contains a variety of federally owned and generated laboratories or organizations assigned with the task of performing needed research and development in most of our Nation's technical areas, highlighted by defense, transportation, health, energy, and communications.

d. This region possesses a great wealth of private manufacturers, laboratories, and nonprofit organizations in each of the scientific and technological pursuits, such as homeland security, defense, aerospace, manufacturing, information systems, materials, chemicals, medical applications, and pharmaceuticals.

e. Increased cooperation between the above-mentioned institutions and the four Mid-Atlantic State governments may effectively enhance the region's contribution to the United States in all fields of science and technology and promote academic, private and public research and development, technical enterprise, and intellectual vitality.

f. A multi-state organization assigned with the task of linking various institutions across different jurisdictions and promoting working partnerships may further assist the United States by providing a model for the rest of the nation for the effective use of limited national, State, and local funding resources.

ARTICLE II

There is created the SMART (Strengthening the Mid-Atlantic Region for Tomorrow) Research and Development Compact (hereinafter referred to as “the compact”). The purpose of the compact is to promote the contribution of the Mid-Atlantic region to the nation's research and development in science and technology, and to create a multi-state organization, the purpose of which is to oversee and help facilitate the acquisition of research and development funding, and to enhance the cooperation, formation of partnerships, and sharing of information among businesses, academic institutions, federal and state governmental agencies, laboratories, federally owned and operated laboratories, and nonprofit entities, within the Mid-Atlantic region comprised of the states of Delaware, Maryland, New Jersey, and Pennsylvania.

ARTICLE III

a. The states eligible to become parties to the compact shall be the four states of Delaware, Maryland, New Jersey and Pennsylvania.

b. Each state eligible to become a party state to the compact shall be declared a “party state” upon enactment of the compact into law by the state.

ARTICLE IV

a. The party states agree to establish a multi-state organization as a joint organization to be known as the SMART Organization (hereinafter referred to as “the organization”).

b. The organization shall be headed by a Board of Directors that shall consist of a representative from each party state, appointed as provided by the law of that state, and representatives from the party states for each technology class described in ARTICLE V of the compact. The Board of Directors may also include representatives of any business, academic institution, nonprofit agency, federal or state governmental agency, laboratory, and federally owned and operated laboratory within the party states.

c. The Board of Directors shall oversee and direct the projects, administration, and policies of the organization and may create and utilize the services of technology-designated working groups to identify goals and sources of funding, establish research and development projects, detect new technology advances for the Mid-Atlantic region to pursue, and facilitate cooperation among regional entities. The Board of Directors and working groups in the organization shall serve without compensation and shall hold regular quarterly meetings and such special meetings as their business may require.

d. The organization shall adopt bylaws and any other such rules or procedures as may be needed. The organization may hold hearings and conduct studies and surveys to carry out its purpose. The organization may acquire by gift or otherwise and hold and dispose of such money and property as may be provided for the proper performance of its functions, may cooperate with other public or private groups, whether local, state, regional, or national, having an interest in economic or technology development, and may exercise such other powers as may be appropriate to accomplish its functions and duties in connection with the development of the organization and to carry out the purpose of the compact.

ARTICLE V

Not including state representatives, the Board of Directors of the organization and technology working groups may represent and originate from the following technology classes: information technology, sensors, rotorcraft technology, manufacturing technology, fire and emergency medical services, financial technology, alternative fuels, nanotechnology, electronics, environmental, telecommunications, chemical and biological, biomedical, opto-electric, materials and aerospace, and defense systems including directed energy, missile defense, future combat systems, and unmanned aerial vehicles. The organization may at any time, upon approval by the Board of Directors, designate and assign new technology classes and may at any time remove an existing technology class from this list and the organization's activities.

ARTICLE VI

The Board of Directors shall appoint a full-time paid executive director, who shall be a person familiar with the nature of the procedures and the significance of scientific funding, research and development, economic development, and the informational, educational, and publicity methods of stimulating general interest in such developments. The duties of the executive director are to carry out the goals and directives of the Board of Directors and administer the actions of each working group as chairman. The executive director may hire a staff and shall be the administrative head of the organization, whose term of office shall be at the pleasure of the Board of Directors.

ARTICLE VII

The State of New Jersey recognizes that the compact shall continue in force and remain binding upon each party state until such time as the party state takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by a party state desiring to withdraw to all the other party states.

ARTICLE VIII

The State of New Jersey recognizes the express right of the Congress to alter, amend or repeal the federal act granting consent of the Congress to the SMART Research and Development Compact.

ARTICLE IX

The compact shall become operative in a party state upon enactment by that state. The compact shall become initially effective in the Mid-Atlantic region upon enactment of the compact into law by two or more party states and consent has been given to it by Congress.

NJAC 13:40-15.16 Standards of Practice

(a) All licensees shall comply with the standards of practice contained in this section when conducting home inspections. The scope of home inspection services performed in compliance with the standards set forth in this section shall provide the client with objective information regarding the condition of the systems and components of the home as determined at the time of the home inspection.

(b) Nothing in this section shall be construed to require a licensee to:

1. Enter any area or perform any procedure that is, in the opinion of the licensee, unsafe and likely to be dangerous to the inspector or other persons;
2. Enter any area or perform any procedure that will, in the opinion of the licensee, likely damage the property or its systems or components;
3. Enter any area which does not have at least 24 inches of unobstructed vertical clearance and at least 30 inches of unobstructed horizontal clearance;
4. Identify concealed conditions and latent defects;
5. Determine life expectancy of any system or component;
6. Determine the cause of any condition or deficiency;
7. Determine future conditions that may occur including the failure of systems and components including consequential damage;
8. Determine the operating costs of systems or components;
9. Determine the suitability of the property for any specialized use;
10. Determine compliance with codes, regulations and/or ordinances;
11. Determine market value of the property or its marketability;
12. Determine advisability of purchase of the property;
13. Determine the presence of any potentially hazardous plants, animals or diseases or the presence of any suspected hazardous substances or adverse conditions such as mold, fungus, toxins, carcinogens, noise, and contaminants in soil, water, and air;
14. Identify the presence of, or determine the effectiveness of, any system installed or method utilized to control or remove suspected hazardous substances;
15. Operate any system or component which is shut down or otherwise inoperable;
16. Operate any system or component which does not respond to normal operating controls;
17. Operate shut-off valves;
18. Determine whether water supply and waste disposal systems are public or private;
19. Insert any tool, probe or testing device inside electrical panels;

20. Dismantle any electrical device or control other than to remove the covers of main and sub panels;
21. Inspect, identity, or disclose ancillary electrical devices and/or systems, such as, but not limited to, Arc Fault Circuit Interrupters (AFCIs), standby generators, and photovoltaic (solar) panels;
22. Walk on unfloored sections of attics; and
23. Light pilot flames or ignite or extinguish fires.

(c) Licensees shall:

1. Inspect the following systems and components in residential buildings and other related residential housing components:
   i. Structural components as required by (e) below;
   ii. Exterior components as required by (f) below;
   iii. Roofing system components as required by (g) below;
   iv. Plumbing system components as required by (h) below;
   v. Electrical system components as required by (i) below;
   vi. Heating system components as required by (j) below;
   vii. Cooling system components as required by (k) below;
   viii. Interior components as required by (l) below;
   ix. Insulation components and ventilation system as required by (m) below; and
   x. Fireplaces and solid fuel burning appliances as required by (n) below;
2. Prepare a home inspection report, which shall:
   i. Disclose those systems and components as set forth in (c)1 above which were present at the time of inspection;
   ii. Disclose systems and components as set forth in (c)1 above that were present at the time of the home inspection, but were not inspected, and the reason(s) they were not inspected:
      (1) If a system and/or component was present at the time of inspection, but not inspected at the request of the client or because the system or component could not be observed, the report must note this.
   iii. Describe the systems and components specified in (c)1 above;
   iv. State material defects found in systems or components specified in (c)1 above;
   v. State the significance of findings where any material defects in the systems and components of (c)1 above were found; and
   vi. Provide recommendations where material defects were found to repair, replace, or monitor a system or component specified in (c)1 above or to obtain examination and analysis by a qualified professional, tradesman, or service technician without determining the methods, materials, or cost of corrections; and
3. Retain copies of all home inspection reports prepared pursuant to (c)2 above, for a period of five years upon completion of the report;

(d) Subsection (c) above is not intended to limit licensees from:

1. Inspecting or reporting observations and conditions observed in systems and components in addition to those required in (c)1 above

and inspecting systems and components other than those mandated for inspection in (c)1 above, as long as the inspection and reporting is based on the licensee's professional opinion, prior work experience, education, and training, unless these standards of practice prohibit the licensee from inspecting such systems or components.

2. Contracting with the client to provide, for an additional fee, additional inspection services provided the licensee is educated, trained, certified, registered, or licensed, pursuant to the provisions of N.J.A.C. 13:40–15.21 and other applicable statutes and rules; and

3. Excluding systems and components from the inspection pursuant to N.J.A.C. 13:40–15.15(b) and (c)2ii above.

(e) When conducting the inspection of the structural components, the licensee shall:

1. Inspect:
   i. Foundation;
   ii. Floors;
   iii. Walls;
   iv. Ceilings; and
   v. Roof;
2. Describe:
   i. Foundation construction type and material;
   ii. Floor construction type and material;
   iii. Wall construction type and material;
   iv. Ceiling construction type and material; and
   v. Roof construction type and material;
3. Probe structural components where deterioration is suspected unless such probing would damage any finished surface; and
4. Describe in the home inspection report the methods used to inspect under-floor crawl spaces and attics.

(f) When conducting the inspection of the exterior components, a licensee shall:

1. Inspect:
   i. Exterior surfaces, excluding shutters, and screening, awnings, and other similar seasonal accessories;
   ii. Exterior doors excluding storm doors or safety glazing;
   iii. Windows excluding storm windows and safety glazing;
   iv. Attached or adjacent decks, balconies, stoops, steps, porches, and their railings;
   v. Vegetation, grading, drainage, and retaining walls with respect to their immediate detrimental effect on the condition of the residential building, excluding fences, geological and/or soil conditions, sea walls, break-walls, bulkheads and docks, or erosion control and earth stabilization;
   vi. Attached or adjacent walkways, patios, and driveways; and
   vii. Garage doors including automatic door openers and entrapment protection mechanisms, excluding remote control devices; and
2. Describe exterior wall surface type and material.

(g) When inspecting the roof of a residential building, the licensee shall:
1. Inspect:
i. Roofing surface, excluding antennae and other installed accessories such as solar heating systems, lightning arresters, and satellite dishes;
ii. Roof drainage systems;
iii. Flashing;
iv. Skylights; and
v. Exterior of chimneys;
2. Describe:
i. Roof surface;
ii. Deficiencies of the roof drainage systems;
iii. Deficiencies in the flashing;
iv. Skylights; and
v. Chimneys;
3. Employ reasonable, practicable, and safe methods to inspect the roof, such as:
i. Walking on the roof;
ii. Observation from a ladder at roof level;
iii. Visual examination with binoculars from ground level; or
iv. Through the use of a drone or similar unmanned aircraft systems (consistent with applicable State or Federal laws, rules, and regulations on licensure or certification requirements for the commercial use of drones or similar unmanned aircraft systems); and
4. Describe the methods used to inspect the roof.
(h) When inspecting the plumbing system, a licensee shall:
1. Inspect:
i. Interior water supply and distribution systems including functional water flow and functional drainage, excluding wells, well pumps, well water sampling or water storage related equipment, determination of water supply quantity or quality and water conditioning systems and lawn irrigation systems;
ii. All interior fixtures and faucets, excluding shut off valves, wells, well pumps, well water sampling and water storage related equipment;
iii. Drain, waste and vent systems;
iv. Domestic water heating systems, without operating safety valves or automatic safety controls, and excluding solar water heating systems;
v. Combustion vent systems excluding interiors of flues and chimneys;
vi. Fuel distribution systems; and
vii. Drainage sumps, sump pumps and related piping; and
2. Describe:
i. Predominant interior water supply and distribution piping materials, including the presence of lead water service and/or supply piping;
ii. Predominant drain, waste and vent piping materials; and
iii. Water heating equipment including energy sources.
(i) When inspecting the electrical system, a licensee shall:

1. Inspect:
   i. Service entrance system;
   ii. Main disconnects, main panel and sub panels, including interior components of main panel and sub panels;
   iii. Service grounding;
   iv. Wiring, without measuring amperage, voltage or impedance, excluding any wiring not a part of the primary electrical power distribution system, such as central vacuum systems, remote control devices, telephone or cable system wiring, intercom systems, security systems and low voltage wiring systems;
   v. Over-current protection devices and the compatibility of their ampacity with that of the connected wiring;
   vi. At least one of each interior installed lighting fixture, switch, and receptacle per room and at least one exterior installed lighting fixture, switch, and receptacle per side of house; and
   vii. Ground fault circuit interrupters; and
2. Describe:
   i. Amperage and voltage rating of the service;
   ii. Location of main disconnect, main panels, and sub-panels;
   iii. Type of over-current protection devices;
   iv. Predominant type of wiring;
   v. Presence of knob and tube branch circuit wiring; and
   vi. Presence of solid conductor aluminum branch circuit wiring.

(j) When inspecting the heating system, a licensee shall:
1. Inspect:
   i. Installed heating equipment and energy sources, without determining heat supply adequacy or distribution balance, and without operating automatic safety controls or operating heat pumps when weather conditions or other circumstances may cause damage to the pumps, and excluding humidifiers, electronic air filters and solar heating systems;
   ii. Combustion vent systems and chimneys, excluding interiors of flues or chimneys;
   iii. Fuel storage tanks, excluding propane and underground storage tanks; and
   iv. Visible and accessible portions of the heat exchanger; and
2. Describe:
   i. Heating equipment and distribution type; and
   ii. Energy sources.

(k) When inspecting the cooling system, a licensee shall:
1. Inspect:
   i. Central cooling system, excluding electronic air filters and excluding determination of cooling supply adequacy or distribution balance and without operating central cooling equipment when weather conditions or other circumstances may cause damage to the cooling equipment;

ii. Permanently installed hard-wired, through-wall individual cooling systems; and
iii. Energy sources; and
2. Describe:
i. Cooling equipment and distribution type; and
ii. Energy sources.

(l) When inspecting the interior of a residential building, a licensee shall:
1. Inspect:
i. Walls, ceilings, and floors excluding paint, wallpaper and other finish treatments, carpeting and other non-permanent floor coverings;
ii. Steps, stairways, and railings;
iii. Installed kitchen wall cabinets to determine if secure;
iv. At least one interior passage door and operate one window per room excluding window treatments; and
v. Household appliances limited to:
(1) The kitchen range and oven to determine operation of burners or heating elements excluding microwave ovens and the operation of self-cleaning cycles and appliance timers and thermostats;
(2) Dishwasher to determine water supply and drainage; and
(3) Garbage disposer.

(m) When inspecting the insulation components and ventilation system of a residential building, the licensee shall:
1. Inspect:
i. Insulation in unfinished spaces without disturbing insulation;
ii. Ventilation of attics and crawlspaces; and
iii. Mechanical ventilation systems; and
2. Describe:
i. Insulation in unfinished spaces adjacent to heated areas; and
ii. Evidence of inadequate attic and crawlspace ventilation.

(n) When inspecting fireplaces and solid fuel burning appliances, a licensee shall:
1. Inspect:
i. Fireplaces and solid fuel burning appliances, without testing draft characteristics, excluding fire screens and doors, seals and gaskets, automatic fuel feed devices, mantles and non-structural fireplace surrounds, combustion make-up air devices, or gravity fed and fan assisted heat distribution systems; and
ii. Chimneys and combustion vents excluding interiors of flues and chimneys; and
2. Describe:
i. Type of fireplaces and/or solid fuel burning appliances;
ii. Energy source; and
iii. Visible evidence of improper draft characteristics.

NJAC 16:54-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Accident" means an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight and when all persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

"Aeronautical activity" means any of the following aviation related commercial activities generally provided to the public or any segment thereof, at an aeronautical facility either by the licensee or his or her tenants or invitees, with or without compensation:

1. Aircraft: sales, charter, rental, lease, storage, operation, hangaring, tiedown, and parking; and parachuting operations, MEDEVAC operations, and sightseeing;
2. Instruction: aircraft flight and ground instruction of all types, license examinations and proficiency checks, crew member training, parachute jumping training,
3. Maintenance: all types of maintenance, repair, inspection, testing, modification, overhaul, corrosion control or painting of aircraft, engines, systems, avionics, parachutes, or ancillary air or ground support equipment; and
4. Servicing: aircraft fueling using fixed, hydrant, mobile, or portable equipment; aircraft engine or systems servicing, including hydraulics, pneumatics, oxygen, lavatory, aircraft catering, electronics, aircraft cleaning, and passenger and crew and associated services.

"Aeronautical facility" means any airport, seaplane base, heliport, helistop, parachute drop zone, ultralight recreational facility, airship base, or balloonspot.

1. The facility includes all property, paving, appliances, structures, seaplane docks, runways, taxiways, seaways, sealanes, aprons, hangars, or safety equipment dedicated to or associated with the aeronautical activities conducted on the premises and property and all land depicted on the Airport Layout Plan (ALP) including all safety zones required for visual or instrument approach procedures as required under FAA, Part 77, Objects Affecting Navigable Airspace.

"Aircraft" means any contrivance now known or hereafter invented, used, or designed for air navigation or flight in the air. It includes, but is not limited to: airplanes, airships, blimps, dirigibles, gyroplanes, gliders, helicopters, hot air or gas balloons, seaplanes, tiltrotors, ultralights, and unmanned aircraft systems (UAS) or drones.

. . .

NJAC 19:76-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

. . .

"Unmanned aircraft system" or "UAS" means an unmanned aircraft and associated elements (including communications links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.
"Vehicle" means any device in, upon, or by which any person or property is, or may be, transported, carried, or drawn upon land, regardless of the means of propulsion, except any devices moved upon stationary rails or tracks.

NJAC 19:76-2.18 Unmanned Aircraft System

All unmanned aircraft systems (UAS) must operate in accordance with all applicable FAA regulations.