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States' Unmanned Aerial Vehicle Laws: *South Carolina*



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States' Unmanned Aerial Vehicle Laws: South Carolina

SC ST § 24-1-300

SC ST § 24-5-175

Current through November 20, 2022

SC ST § 24-1-300 Unlawful Operation of Unmanned Aerial Vehicle Near Department of Corrections Facility; Penalties; Exclusions

(A) Except as provided in subsection (D), a person shall not operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a vertical distance of two hundred fifty feet from any Department of Corrections facility without written consent from the Director of the Department of Corrections.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(C) (1) In addition to the penalty provided in this section, an unmanned aerial vehicle involved in the violation of this section may be confiscated by the Department of Corrections. An unmanned aerial vehicle must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined, or as otherwise required by Section 17-28-300, et seq. Records must be kept of all confiscated unmanned aerial vehicles received by the Department of Corrections under the provisions of this section. Upon conviction, pursuant to a violation of this section, the relevant unmanned aerial vehicle shall be transferred to the State Law Enforcement Division to use within the agency for any lawful purpose or for destruction, unless otherwise provided in this section.

(2) Any unmanned aerial vehicle confiscated pursuant to this section shall be administratively released to an innocent owner. The unmanned aerial vehicle must not be released to the innocent owner until the results of any legal proceedings in which the unmanned aerial vehicle may be involved are finally determined, or as otherwise required by Section 17-28-300, et seq. Before the unmanned aerial vehicle may be released, the innocent owner shall provide the Department of Corrections with proof of ownership; shall certify that the innocent owner neither was a consenting party to nor had knowledge of the use of the unmanned aerial vehicle that made it subject to confiscation; and shall certify that the innocent owner will not release the unmanned aerial vehicle to the person who was charged with the violation of this



section that resulted in the confiscation of the unmanned aerial vehicle. The Department of Corrections shall notify the innocent owner when the unmanned aerial vehicle is available for release. If the innocent owner fails to recover the unmanned aerial vehicle within thirty days after notification of the release, the Department of Corrections may use the unmanned aerial vehicle within the agency for any lawful purpose or destroy it.

(D) The provisions of this section do not apply to any person who: registers with the Federal Aviation Administration as an operator of a commercial unmanned aerial vehicle; operates the vehicle 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 separately notifies the Director of the Department of Corrections or his designee no more than five days and no less two hours prior to each operation of the vehicle, provided that the notification must include the registration number the Federal Aviation Administration has issued for the vehicle.

SC ST § 24-5-175 Unlawful Operation of Unmanned Aerial Vehicle Near Detention Facility; Penalties; Exclusions

(A) Except as provided in subsection (D), a person shall not operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a vertical distance of two hundred fifty feet from any local detention facility without written consent from the jail administrator.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(C) (1) In addition to the penalty provided in this section, an unmanned aerial vehicle involved in the violation of this section may be confiscated by the jail administrator of a local detention facility. An unmanned aerial vehicle must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined, or as otherwise required by Section 17-28-300, et seq. Records must be kept of all confiscated unmanned aerial vehicles received by the jail administrator under the provisions of this section. Upon conviction, pursuant to a violation of this section, the relevant unmanned aerial vehicle shall be transferred to the South Carolina Law Enforcement Division to use within the agency for any lawful purpose or for destruction, unless otherwise provided in this section.

(2) Any unmanned aerial vehicle confiscated pursuant to this section shall be administratively released to an innocent owner. The unmanned aerial vehicle must not be released to the innocent owner until the results of any legal proceedings in which the unmanned aerial vehicle may be involved are finally determined, or as otherwise required by Section 17-28-300, et seq. Before the unmanned aerial vehicle may be released, the innocent owner shall provide the jail administrator with proof of ownership; shall



certify that the innocent owner neither was a consenting party to nor had knowledge of the use of the unmanned aerial vehicle that made it subject to the confiscation; and shall certify that the innocent owner will not release the unmanned aerial vehicle to the person who was charged with the violation of this section that resulted in the confiscation of the unmanned aerial vehicle. The jail administrator shall notify the innocent owner when the unmanned aerial vehicle is available for release. If the innocent owner fails to recover the unmanned aerial vehicle within thirty days after notification of the release, the local detention facility may use the unmanned aerial vehicle within the agency for any lawful purpose or destroy it.

(D) The provisions of this section do not apply to any person who: registers with the Federal Aviation Administration as an operator of a commercial unmanned aerial vehicle; operates the vehicle 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 separately notifies the jail administrator or his designee no more than five days and no less two hours prior to each operation of the vehicle, provided that the notification must include the registration number the Federal Aviation Administration has issued for the vehicle.

