



Recent Developments in Drone Law

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The past year saw a marked increase in drone usage, with expectations that the trend will continue this year. A number of these uses involve agricultural services, including aerial surveying and photography. The Association for Unmanned Vehicle Systems International, the trade group that represents producers and users of drones and other robotic equipment, predicts that 80 percent of the commercial market for drones will eventually be for agricultural uses. The rapid rise of drone use, however, has caused the Federal Aviation Administration ("FAA") and Department of Transportation ("DOT") to increase regulation of drones. Currently, all drones used for a commercial purpose must apply to the FAA for a Section 333 exemption.

However, the FAA has issued proposed regulations that, once finalized, will limit where, when, and how drones are used. The proposed rules provide that:

- The drone must weigh less than 55 pounds.
- Operations are limited to daylight-only (sunrise to sunset).
- The operator of the drone must maintain a visual line of sight at all times.
- An operator would have to be at least 17 years old, pass an aeronautical knowledge test and obtain an FAA drone operator certificate. To maintain certification, the operator would have to pass the FAA knowledge tests every 24 months. A small unmanned aircraft systems (UAS) operator would not need any further private pilot certifications (i.e., a private pilot license or medical rating).
- The drone operator must always stop the flight if there is a hazard to other aircrafts, people, or property.
- The drone may not fly over people, except those directly involved with the flight.
- Flights should be limited to an altitude of 500 feet and a speed of 100 mph.

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- Operators must keep drones out of airport flight paths and restricted airspace areas, and obey any FAA Temporary Flight Restrictions (TFRs).
- No object may be dropped from the drone.
- Operators may not use the drone in a reckless or careless manner.

In June 2015, a senior FAA official stated that the finalized rule would “be in place within a year.”

More recently, the FAA and DOT jointly announced a registration system for all drones weighing between 0.55 and 55 pounds. All drones that fall within the registration requirement must be registered by February 19, 2016. Currently, noncommercial users may register here (We have identified that the following link is no longer active, and it has been removed), while commercial users must submit a paper application located **here**. Registration is free until January 20, 2016 and \$5 after. Once registered, the FAA will provide pilots with a number which must be marked on any drone that the user flies. Failure to register a drone can result in civil penalties up to \$27,500, criminal fines up to \$250,000, and up to 3 years in prison.

Moreover, the drone registration requirement has come under fire in recent weeks, as the FAA admitted that the names and home addresses in the drone registry will be publicly available. A lawsuit filed on December 24, 2015, requests an emergency stay of the FAA’s registration requirement, and that the Court of Appeals for the District of Columbia issue an order declaring the registration rule void. As of January 7th, 2016, no ruling has been issued in this case, but we will continue tracking this issue. Please contact attorney John Mashni at jmashni@fosterswift.com or attorney Taylor Gast at tgast@fosterswift.com with any questions.