

Legal Issues and Unmanned Aerial Vehicles (UAVs or Drones)

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2015 MABA Winter Conference

Don't Miss Out

- Slides to this presentation
- Just tweeted them:
 - twitter.com/johnmashni
 - @johnmashni
- Bit.ly/1BZrneF
 - Link to a 2015 MABA page on Drones, with links to FAA resources, videos, news stories
 - Subscribe to our newsletter to stay up-to-date



Spoiler Alert



Disaster Area





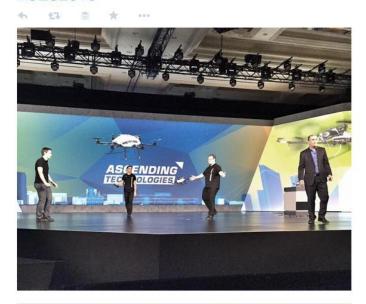
News





Self-guiding #drones use Intel RealSense 3D to avoid obstacles and help you fly smarter.

#CES2015



160

173











8:18 PM - 6 Jan 2015



What is a UAV?

- Unmanned Aerial Vehicle
- Unmanned Aerial System (UAS)
- Commonly called a "Drone"
- Potential to create new businesses and jobs
- Current Uses:
 - Emergency and disaster management
 - Weather service tracking
 - Traffic management
- "Game-Changer"
- Drone market expected to surpass \$100 million in 2015



Regulation

- In 2012, Congress told the FAA to issue rules to integrate drones into US airspace by 2015.
- Rules scheduled to be released soon (?).
- FAA estimates 7,500 unmanned aircraft over the next 5 years.
- Innovation is outpacing regulation
 - Innovation vs. Regulation (?)
- Safety is the main concern



Current State of the Law

- FAA restricts the commercial use of drones
- Only allowed on a case-by-case basis (need express permission)
- Recreational use exception (FAA Advisory Circular 91-57)
 - Below 400 feet
 - Away from air traffic
 - Within sight of operator
 - Noncommercial use



What is Commercial Use?

- Any use for hire or in furtherance of a business
- Non-hobby use
- Real estate photography
- Wedding photography
- Cinema/film/television production
- Mapping/land surveys
- Agricultural uses (precision farming)



Consequences

- Cease and Desist Letter
- \$10,000 fine (or more)
- Litigation
- Publicity (good or bad?)



Dangers and Potential for Liability

- Danger to full-size aircraft
- People
- Property
 - 418 known crashes by US military since 2001
 - Crashes into homes, farms, and planes
- Invasion of privacy



Insurance

- Commercial/Farm Policies have a common exclusion: "aircraft"
- Is a drone an "aircraft"
 - Probably yes
- Look at your policy
- Consult with your insurance agent
- Is Invasion of Privacy covered under your policy?





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