

FAA Drone Regulations Take Flight

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A new era of aviation began quietly as the FAA publically released a [final rule](#) on Unmanned Aircraft Systems (UASs, or “drones”), which is scheduled to go into effect on August 29. After many years of urging by Congress and after almost a year and a half since their [proposed rules](#) drew 4,600 public comments, the new FAA regulations, offer a preview of the regulatory scheme companies and individuals alike may use to harness the incredible potential of UASs.

For now, the FAA is proceeding incrementally. The agency is first focusing on rules that integrate small drones (UASs), defined as those that weigh less than 55 pounds by total weight on takeoff. Later, the FAA will issue rules via separate notice and comment for micro UASs, those weighing less than 4.4 pounds.

Whereas before, a drone could not be operated except for hobby or recreational purposes without a specific (section 333) exemption, after these rules take effect, individual or business operators may start using certain small drones for commercial purposes within the scope of the new part 107 regulations. Those already operating small drones under an FAA-issued exception may continue to operate under its terms, even after the new rules go into effect.

Among the new rule’s requirements, civil operators must have earned a remote pilot certificate; operate only in good weather conditions and certain distances away from clouds; may not operate at night; must remain clear of airports and certain airspace; must maintain visual line of sight with the drone; may not fly directly over persons; and must remain within 400 feet above ground level or within a 400-foot radius of a structure.

TIP: These rules will impact companies without specific FAA authorizations who want to use drones for commercial purposes. In addition to understanding the rule’s requirements, companies should remember to keep in mind state requirements that impact how and where drones can be used.

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