

FEDERAL TASK FORCE RECOMMENDS DRONE REGISTRATION

DECEMBER 2015

On November 20, a task force – created by the Department of Transportation to evaluate a registration system for unmanned aircraft systems (“UAS” or “drones”) – recommended mandatory registration of virtually all non-commercial drones. (Commercial drone operation requires prior authorization from the FAA under Section 333 of the FAA Modernization and Reform Act of 2012.)ⁱ

Earl Lawrence, Director of the FAA’s UAS Integration Office, and Dave Vos of GoogleX co-chaired the 25-member task force. The task force included participants from across the aviation industry – commercial, recreational, and experimental.

According to FAA Administrator Michael Huerta, “[r]egistration will instill a sense of accountability and responsibility among UAS pilots, and also will prompt them to become educated about safe flying in the National Airspace System (NAS). For those who choose to ignore the rules and fly unsafely, registration is a tool that will assist us and our law enforcement partners in finding them.”

The task force’s report is advisory only. The FAA will consider the report and public comments in drafting an Interim Final Rule on registration. The goal is to implement drone registration for commercial and recreational users and to specify the types of drones that must be registered. The FAA hopes to publish the Interim Final Rule, which would be open to further public comment, before the end of December. With heavy sales of drones expected for Christmas, the FAA is anxious to have the Interim Rule in place. After years of foot dragging, the FAA has moved at an extraordinary pace this fall to meet the ambitious goal of DOT Secretary Anthony Foxx. As incidents from unsafe operation of drones of all sizes and sophistication increase, political pressure continues to build on the DOT and the FAA to address drone operation comprehensively.

KEY RECOMMENDATIONS TO THE FAA

- Registration would be required for drones with a maximum takeoff weight of approximately half a pound (8.8 ounces) or more (up to 55 pounds), which encompasses nearly all drones capable of outdoor hobby operation.
- An owner would receive a single registration number and could register multiple drones with the same number. Children as young as 13 would be eligible to register.
- The new registration system would be online or app-based and would permit immediate issuance of a certificate of registration for a drone. Registration would be free. The owner’s registration number would be placed on the drone or the drone’s serial number could be registered as part of the registration system.
- Only the owner’s name and street address would be required for registration. Email and telephone information and the drone serial number would be optional.
- Currently registered drones (belonging to commercial operators only) would not be required to re-register under the new system. They could continue to use the existing registration process or use the new system.
- The drone operator must have the certificate of registration available for inspection during all operations.

UNADDRESSED ISSUES

The proposed registration system appears to satisfy the administration’s goals that the registration system be comprehensive, easy to use, and inexpensive; however, the recommended registration system is subject to several criticisms:

- There is no recommended method for third parties (including public safety officials) to check the registry.
- There is no recommended method to verify that a drone operator has submitted accurate information. Registration is operator-initiated and even a mailing address is not required.
- Registration is not likely to increase the safety of drone operation.

STATE OF PLAY FOR HOBBY OPERATION

Current FAA recommendations for drone operations remain in effect. Those recommendations include:

- limiting hobby operations to drones under 55 pounds;
- operating drones only within the operator's line of sight and below 400 feet;
- staying at least 5 miles away from an airport; and
- avoiding operations near crowded places such as stadiums.

ADDITIONAL INFORMATION

For more information, please contact:

- [TOD NORTHMAN](mailto:tod.northman@tuckerellis.com) | 216.696.5469 | tod.northman@tuckerellis.com

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ⁱ Four elements must be satisfied for FAA authorization of commercial operation of a drone:

- a "Section 333" grant of exemption from the FAA;
- a Certificate of Waiver or Authorization from the FAA;
- an aircraft (the drone) registered with the FAA; and
- a pilot with an FAA airman certificate.