

KEY TAKEAWAYS

A Dozen Legal Considerations for Drones

Whether you are using drones or permitting the use of drones on your property, there are a number of legal considerations you need to know first:

1 **Is my use legal?**

- Federal Law governs operation of the drones and pilot requirements.
- State Laws, to the extent they do not conflict with Federal Law, must also be adhered to.
- State laws may govern privacy issues.

2 **Does the drone operator understand the federal AND state legal limits of the drone usage?**

3 **Does the drone operator understand the non-drone specific laws that might impact the drone usage such as invasion of privacy/improper video recording type laws?**

4 **Is the operator/pilot in command properly certified by the FAA?**

5 **Will there be one or more Visual Observers / Spotters?**

6 **Is there a plan for clearing the overflight area of people and keeping it clear during the drone flight?**

7 **Have the proper pre-flight checks been done?**

- Drone condition
- Weather
- Airspace restrictions
- Location of people on the ground
- Other ground hazards

8 **Has everyone involved been informed about:**

- Operating Conditions
- Emergency Procedures
- Contingency Procedures
- Roles and Responsibilities
- Potential Hazards

9 **Has proper insurance been obtained?**

- Some policies exclude coverage for unmanned aircraft.
- Some policies partially include coverage.
- Some provide coverage.
- If you are using a drone, or permitting the use of a drone by others, you can not simply assume there is coverage under existing policies.
- Raise the issue with your broker/agent and review the policies of those using drones on your property.

10 **Drone use should be logged:**

- Operators and their qualifications
- Visual observers and their locations
- The flight plan
- The pre-flight check
- Notifying everyone at the project site about the drone usage and the areas to avoid.
- Obtain written permission to use a drone on someone else's property.
- Log the permission given to use the drone on your property (limits, dates, duration, etc.)

11 **10 days to report certain accidents involving serious injury to any person or loss of consciousness or damage to any property over \$500.**

12 **Various states rules of evidence may preclude you from deleting drone video footage especially if it contains evidence related to a potential legal claim when there is a substantial chance of litigation. (i.e. video of the drone colliding with a person or object that causes serious personal injury or property damage).**