

# Table of Contents

## CHAPTER 1. INTRODUCTION

§ 1:1 Introduction

## CHAPTER 2. U.S. GOVERNMENT AUTHORITY TO REGULATE UNMANNED AIRCRAFT

§ 2:1 United States Government

§ 2:2 Department of Transportation

§ 2:3 Federal Aviation Administration

## CHAPTER 3. REGISTRATION AND MARKINGS

### I. INTRODUCTION

§ 3:1 Overview

§ 3:2 Certain authority

§ 3:3 Definitions and acronyms

§ 3:4 Required registration and prohibited operations

### II. SMALL UNMANNED AIRCRAFT

§ 3:5 Weight restriction and registration options

§ 3:6 Civil aircraft certification compliance

§ 3:7 Requirement to register prior to operating and  
eligibility for registration

§ 3:8 Required information in registration application  
including remote identification compliance

§ 3:9 Age requirement and registration not evidence of  
ownership

§ 3:10 Registration process, user identification, and fees

§ 3:11 Certificates of Aircraft Registration, duration, and  
renewal

§ 3:12 Events affecting certificate effectiveness

§ 3:13 Requirement to maintain information current

§ 3:14 Invalid registration

§ 3:15 Foreign operators and foreign civil aircraft

§ 3:16 Markings: unique identifier

§ 3:17 Registration of small unmanned aircraft used for  
recreational purposes only

### **III. UNMANNED AIRCRAFT WEIGHING 55 LBS. OR MORE**

- § 3:18 When is traditional aircraft registration required, applicable regulations, and N-number issues
- § 3:19 Registration eligibility and submission of ownership evidence
- § 3:20 Unmanned aircraft operation not permissible until registered and remote identification requirement
- § 3:21 Name of owner and ownership
- § 3:22 U.S. citizen certification and resident alien verification
- § 3:23 Trustee requirements
- § 3:24 Partnerships, voting trusts, and limited liability corporations
- § 3:25 Corporations not U.S. citizens
- § 3:26 Registration submission requirements
- § 3:27 Registration numbers and markings
- § 3:28 Registration fees and registration duration
- § 3:29 Registration database and additional registration regulations

### **IV. REGISTRATION REGULATIONS APPLICABLE TO ALL UNMANNED AIRCRAFT**

- § 3:30 Requirement to carry registration certificate and failure to register
- § 3:31 Government unmanned aircraft
- § 3:32 Serial numbers for unmanned aircraft

### **V. FORMS**

- § 3:33 Aircraft Bill of Sale (Form AC-8050-2)

## **CHAPTER 4. RECREATIONAL UNMANNED AIRCRAFT**

### **I. INTRODUCTION**

- § 4:1 Overview
- § 4:2 Certain authority
- § 4:3 Definitions and acronyms

### **II. REGISTRATION**

- § 4:4 Requirement and operation limitations
- § 4:5 Registration process and certificate of registration

### **III. RECREATIONAL DRONE OPERATIONS SAFETY TEST**

- § 4:6 Knowledge test

TABLE OF CONTENTS

**IV. OPERATIONS**

- § 4:7 Limitations, CBO membership, non-recreational flights, and accident reporting
- § 4:8 Fixed sites
- § 4:9 Operating procedures at fixed sites
- § 4:10 Flying in controlled airspace & knowing where you can fly

**V. RESTRICTIONS AND PROHIBITIONS**

- § 4:11 Restricted areas, prohibited areas, and temporary flight restrictions
- § 4:12 NOTAM

**VI. REMOTE IDENTIFICATION**

- § 4:13 Applicability and Options

**VII. COMMUNITY BASED ORGANIZATIONS**

- § 4:14 Definition and applying for FAA recognition
- § 4:15 FAA position re aeromodelling organizations

**VIII. FAA ADMINISTRATOR'S ACTIONS RELATING TO RECREATIONAL FLYERS**

- § 4:16 FAA Administrator's authority and limitation on authority

**CHAPTER 5. SMALL UNMANNED AIRCRAFT SYSTEMS**

**I. INTRODUCTION**

- § 5:1 Overview
- § 5:2 Certain authority
- § 5:3 Definitions and acronyms
- § 5:4 When part 107 applies and when it does not apply

**II. REGISTRATION**

- § 5:5 Registration

**III. REMOTE PILOT CERTIFICATION**

- § 5:6 Eligibility for remote pilot certificate
- § 5:7 Grounds for denial of application for small UAS remote pilot certificate
- § 5:8 Application requirements

- § 5:9 Aeronautical knowledge and aeronautical recency requirements
- § 5:10 Remote pilot certification process

#### **IV. FRAUD, FALSIFICATION, DOCUMENTATION, INSPECTION, AND TESTING**

- § 5:11 Fraud and falsification
- § 5:12 Required documentation, FAA inspection, and FAA testing

#### **V. ACCIDENT REPORTING**

- § 5:13 When and how is an accident reported and what constitutes a serious accident

#### **VI. OPERATING RULES**

- § 5:14 Remote pilot initial requirements and responsibilities of remote pilot
- § 5:15 Permissible to deviate in emergency and certificate exception for civil foreign operators
- § 5:16 Night and civil twilight operations
- § 5:17 Visibility during flight
- § 5:18 Yielding right of way and operating at a safe distance
- § 5:19 Speed, altitude, visual range, distance, and role limitations
- § 5:20 Limited carriage of goods
- § 5:21 Certain prohibited activities
- § 5:22 Operations in certain airspace and areas, and NOTAMS
- § 5:23 Operations in the vicinity of airports, heliports, or seaplane base

#### **VII. OPERATIONS OVER PERSONS**

- § 5:24 General considerations and limitations
- § 5:25 Meanings and examples of certain words and phrases
- § 5:26 Determining what constitutes an “open air assembly”
- § 5:27 Category 1 operations
- § 5:28 Category 2 operations
- § 5:29 Category 3 operations
- § 5:30 Category 4 operations
- § 5:31 Other considerations: operating over persons in a moving vehicle and operating under multiple categories
- § 5:32 Means of compliance for category 2 operations and category 3 operations
- § 5:33 Declaration of compliance for category 2 & 3 operations

## TABLE OF CONTENTS

§ 5:34 Where to search for a declaration of compliance

### **VIII. WAIVERS FOR PART 107 OPERATIONS**

§ 5:35 Policy and requirements

§ 5:36 Regulations subject to waiver

§ 5:37 Waiver application process and waivers issued

### **IX. OTHER CONSIDERATIONS**

§ 5:38 Change of name or address and voluntary surrender of certificate

§ 5:39 Manufacturer Safety Statements

§ 5:40 State and local laws

§ 5:41 Trespass, nuisance, privacy

### **X. SAMPLE FORMS**

§ 5:42 Sample Preflight Assessment and Inspection Checklist

§ 5:43 Sample Remote Pilot Operating Instructions

§ 5:44 Sample Safety Risk Assessment and Mitigation Steps Before Flight

## **CHAPTER 6. UNMANNED PUBLIC AIRCRAFT OPERATIONS**

### **I. INTRODUCTION**

§ 6:1 Overview

§ 6:2 Certain authority

§ 6:3 Definitions and acronyms

### **II. SECRETARY OF TRANSPORTATION AND FAA REQUIREMENTS**

§ 6:4 Secretary of Transportation requirements

§ 6:5 FAA requirements

### **III. PUBLIC AIRCRAFT OPERATIONS**

§ 6:6 Public aircraft and government function requirement and meanings

§ 6:7 Commercial purposes meaning and commercial purpose prohibition

§ 6:8 Determination of public aircraft operation or civil aircraft operation

§ 6:9 Leased aircraft

§ 6:10 FAA oversight and ability to self-certify

§ 6:11 Government contracts and armed forces operations

- § 6:12 Public entities operating under civil regulations
- § 6:13 Public actively tethered drone systems operations

#### **IV. PROCESS TO OPERATE AS A PUBLIC AIRCRAFT**

- § 6:14 Declaration of public aircraft requirement
- § 6:15 Public declaration letter and Certificate of Waiver or Authorization (COA)
- § 6:16 CADZ

#### **V. SPECIAL GOVERNMENT INTEREST**

- § 6:17 Special governmental interest COA and process

#### **VI. OPERATING OPTIONS AND WAIVERS**

- § 6:18 Operate under Part 107 or operate under 49 U.S.C.A. § 40102(a)(41) and § 40125
- § 6:19 Waivers and airspace authorizations

### **CHAPTER 7. EDUCATIONAL OPERATIONS**

#### **I. INTRODUCTION**

- § 7:1 Overview
- § 7:2 Certain authority
- § 7:3 Definitions and acronyms
- § 7:4 Educational or research purposes meaning and examples of “educational purposes”
- § 7:5 Elementary and secondary schools

#### **II. OPERATIONS**

- § 7:6 Scope of operations and public universities
- § 7:7 Flying under the recreation exception or flying under 14 C.F.R. Part 107 regulations
- § 7:8 Compliance requirements
- § 7:9 UAS Collegiate Training Initiative (UAS-CTI)

### **CHAPTER 8. REMOTE IDENTIFICATION**

#### **I. INTRODUCTION**

- § 8:1 Overview
- § 8:2 Certain authority
- § 8:3 Definitions and acronyms

#### **II. DESIGN AND PRODUCTION**

- § 8:4 Applicability and exceptions to remote ID design and production requirements

## TABLE OF CONTENTS

- § 8:5 Deadlines and production requirements
- § 8:6 Serial numbers and labeling

### **III. MEANS OF COMPLIANCE (MOC)**

- § 8:7 Process, eligibility, testing and validation requirements, submission
- § 8:8 FAA acceptance of a means of compliance
- § 8:9 Means of compliance subject to rescission
- § 8:10 Record retention

### **IV. DECLARATION OF COMPLIANCE**

- § 8:11 Process and submission of a declaration of compliance for FAA acceptance
- § 8:12 Declaration for standard remote identification unmanned aircraft
- § 8:13 Declaration for remote identification broadcast modules
- § 8:14 Declaration requirement for drone kit manufacturers and requirements for drone kit builders
- § 8:15 FAA acceptance of a declaration of compliance
- § 8:16 Rescission of an FAA accepted declaration of compliance
- § 8:17 Petition for reconsideration of rescission of an accepted declaration of compliance
- § 8:18 Record retention for declarations of compliance

### **V. REMOTE IDENTIFICATION MESSAGE ELEMENTS AND PERFORMANCE REQUIREMENTS**

- § 8:19 Standard remote identification minimum message elements
- § 8:20 Standard remote identification minimum performance requirements
- § 8:21 Remote ID broadcast modules minimum message elements
- § 8:22 Remote ID broadcast modules minimum performance requirements
- § 8:23 Differences between standard and broadcast module remote ID message elements

### **VI. OPERATIONS**

- § 8:24 Operator applicability and where to search for a declaration of compliance
- § 8:25 Mandate and methods of compliance
- § 8:26 Standard remote identification operations

- § 8:27 Remote identification broadcast module operations
- § 8:28 Registering drones with remote ID and editing an existing registration

## **VII. OPERATION EXCEPTIONS TO REMOTE IDENTIFICATION REQUIREMENTS**

- § 8:29 Operations at FRIAs, for aeronautical research, or to show compliance

## **VIII. REMOTE IDENTIFICATION REQUIREMENTS FOR FOREIGN REGISTERED UA**

- § 8:30 Notice of identification requirement
- § 8:31 How to submit a notice of identification
- § 8:32 Confirmation of identification and requirement to maintain information current

## **IX. GENERAL REMOTE IDENTIFICATION ISSUES**

- § 8:33 Falsification, reproduction, alteration, or omission of documents
- § 8:34 ADS-B out prohibition and operations under 14 C.F.R. Part 91

## **X. PRIVACY CONSIDERATIONS RELATING TO REMOTE IDENTIFICATION**

- § 8:35 Protected registration data
- § 8:36 Publicly available information
- § 8:37 Serial numbers and session identifiers
- § 8:38 Message elements that will be broadcast
- § 8:39 Remote identification rule upheld

## **XI. GOVERNMENT AND LAW ENFORCEMENT ACCESS & USE OF REMOTE ID INFORMATION**

- § 8:40 Role in threat discrimination
- § 8:41 Law enforcement
- § 8:42 Analogous to vehicle registration

# **CHAPTER 9. FAA RECOGNIZED IDENTIFICATION AREAS**

## **I. INTRODUCTION**

- § 9:1 Overview
- § 9:2 Certain authority
- § 9:3 Definitions and acronyms

TABLE OF CONTENTS

**II. FAA RECOGNIZED IDENTIFICATION AREAS (FRIAS)**

- § 9:4 FRIAs described and effective date
- § 9:5 FRIAs and Fixed Sites Compared
- § 9:6 Eligibility for FRIAs and FRIA application requirements
- § 9:7 FAA considerations in approving FRIAs and FRIA locations
- § 9:8 Requirement to maintain information current
- § 9:9 Changes relating to a FRIA boundary
- § 9:10 Ongoing review, duration, and renewal of FRIAs
- § 9:11 Expiration and termination of a FRIA
- § 9:12 Operations at FRIAS and environmental assessment

**CHAPTER 10. AIRSPACE & GENERAL UAS OPERATIONS**

**I. INTRODUCTION**

- § 10:1 Overview
- § 10:2 Certain authority
- § 10:3 Definitions and acronyms

**II. CONTROLLED AIRSPACE**

- § 10:4 Airspace designations and reporting points
- § 10:5 Class A airspace
- § 10:6 Class B airspace
- § 10:7 Class C airspace
- § 10:8 Class D airspace
- § 10:9 Class E airspace

**III. UNCONTROLLED AIRSPACE**

- § 10:10 Class G airspace
- § 10:11 FAA rules apply

**IV. OVERLAPPING AIRSPACE**

- § 10:12 Operating rules and overlapping airspace designations

**V. SPECIAL USE AIRSPACE**

- § 10:13 Special use airspace described and defined
- § 10:14 Types of special use airspace, applicable regulations, and time in effect
- § 10:15 Restricted airspace areas

- § 10:16 Prohibited airspace
- § 10:17 General information relating to temporary flight restrictions and NOTAMs
- § 10:18 Examples of when TFR's are issued and common TFRs
- § 10:19 Compliance with NOTAM provisions
- § 10:20 Issuance of aerial demonstrations and major sporting events NOTAMs
- § 10:21 Examples of aerial demonstrations and major sporting events NOTAMs
- § 10:22 Information in aerial demonstrations and major sporting events NOTAMs
- § 10:23 Aerial demonstrations and major sporting events NOTAM restrictions
- § 10:24 Requesting a temporary flight restriction area
- § 10:25 Obtaining approval to fly in an area with a temporary flight restriction

## **VI. FLYING A DRONE NEAR AN AIRPORT**

- § 10:26 Flying in controlled airspace and flying in class G airspace
- § 10:27 FAA's recommendation regarding flying near airports, fixed sites, and public aircraft operations

## **VII. ACCESS TO CONTROLLED AIRSPACE**

- § 10:28 Authorization requirement and UAS facility maps
- § 10:29 LAANC and FAA partnership
- § 10:30 Automated approval through LAANC
- § 10:31 Becoming a LAANC provider
- § 10:32 Manual airspace authorization

## **VIII. UAS OPERATIONS WITHIN NATIONAL PARK SERVICE BOUNDARIES**

- § 10:33 Definitions
- § 10:34 Approval for operations
- § 10:35 Operational requirements
- § 10:36 Wildlife protection and audio disturbances

## **IX. ACCIDENT AND INCIDENT REPORTING**

- § 10:37 Definitions for purposes of accident reporting
- § 10:38 Requirement to report certain accidents and incidents to NTSB

## **X. TRAFFIC MANAGEMENT**

- § 10:39 Air traffic controllers and traffic managers

TABLE OF CONTENTS

§ 10:40 UAS data delivery system

**CHAPTER 11. *[Reserved]***

**CHAPTER 12. FAA COMPLIANCE  
ACTIONS, ENFORCEMENT, AND FEDERAL  
CIVIL PENALTIES**

**I. INTRODUCTION**

§ 12:1 Overview  
§ 12:2 Certain authority  
§ 12:3 Definitions

**II. COMPLIANCE AND ENFORCEMENT PROGRAM  
SUMMARY**

§ 12:4 Description

**III. FAA COMPLIANCE PROGRAM AND  
COMPLIANCE ACTIONS**

§ 12:5 Administrative disposition  
§ 12:6 Compliance Program  
§ 12:7 Compliance Action description and examples

**IV. FAA ENFORCEMENT ACTIONS**

§ 12:8 Initiation, potential for informal resolution, and  
purpose of sanctions  
§ 12:9 Consent orders  
§ 12:10 FAA Administrator authority for enforcement actions  
§ 12:11 Certificate actions  
§ 12:12 Certificate denial and statutorily required certificate  
action  
§ 12:13 Civil penalty actions  
§ 12:14 UAS interference with wildfire suppression, law  
enforcement, or emergency responses

**CHAPTER 13. EXEMPTIONS AND  
CERTIFICATES OF WAIVER OR  
AUTHORIZATION FOR CIVIL PURPOSES**

**I. INTRODUCTION**

§ 13:1 Overview  
§ 13:2 Certain authority

§ 13:3 Definitions and acronyms

## **II. SPECIAL AUTHORITY FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS**

§ 13:4 Ability to petition for exemption:

§ 13:5 Secretary of Transportation authorization and risk-based approach

## **III. PETITIONS FOR EXEMPTION**

§ 13:6 Required Information to include in a petition for exemption

§ 13:7 Other information to include in petition

§ 13:8 Safety risk analysis, filing petition for exemption, and time period

## **IV. CERTIFICATES OF WAIVER OR AUTHORIZATION (COA)**

§ 13:9 Certificate of Waiver or Authorization (COA) generally and COA application

§ 13:10 FAA issuance of blanket COA

## **V. AGRICULTURAL UAS OPERATIONS (DISPENSING CHEMICALS AND AGRICULTURAL PRODUCTS)**

§ 13:11 General agricultural aircraft operations and meanings

§ 13:12 Weight of drone used for agricultural operation

§ 13:13 Required to conduct agricultural operations

§ 13:14 Petition for exemption for agricultural operation

§ 13:15 Agricultural UAS Aircraft Operating Certificate

# **CHAPTER 14. UAS CERTIFICATION, UAS PACKAGE DELIVERY, AND UAS TEST SITES**

## **I. INTRODUCTION**

§ 14:1 Overview

§ 14:2 Certain authority

§ 14:3 Definitions and acronyms

## **II. SPECIAL AUTHORITY FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS**

§ 14:4 Federal Aviation Administrator risk-based approach and assessment of unmanned aircraft systems and operations

TABLE OF CONTENTS

§ 14:5 FAA Administrator mandate

**III. CERTIFICATION GENERALLY**

§ 14:6 Certification procedures and risk management

§ 14:7 UAS certification under special class and current policy

§ 14:8 Kinds of certification

**IV. CERTAIN REGULATIONS APPLICABLE TO AIRCRAFT TYPE CERTIFICATION GENERALLY**

§ 14:9 Type certification application and compliance requirements

§ 14:10 Application period of effectiveness

§ 14:11 Requirements for issuance of type certificate

§ 14:12 Type design

§ 14:13 Inspection and testing

§ 14:14 Included with type certificate, manufacturing outside of U.S., & privileges

**V. UAS TYPE CERTIFICATION OVERVIEW**

§ 14:15 When issued and development of airworthiness criteria

§ 14:16 Special conditions and special classes of aircraft

§ 14:17 UAS airworthiness criteria and noise certification standards

§ 14:18 Remote identification and UAS associated elements

§ 14:19 Issue paper and FAA Order 8110.4C

**VI. PRODUCTION CERTIFICATION OVERVIEW**

§ 14:20 Approval to manufacture duplicate parts

§ 14:21 Certain regulations applicable to aircraft production certification generally

**VII. AIRWORTHINESS CERTIFICATION OVERVIEW**

§ 14:22 Airworthiness certificates and condition for safe operation

§ 14:23 Certain regulations applicable to airworthiness certification generally

§ 14:24 Application process

**VIII. 14 C.F.R. PART 135 CERTIFICATION OVERVIEW**

§ 14:25 Applicable regulations and FAA tasked with updating regulations for UAS

- § 14:26 Air Carrier Certificates and Operating Certificates
- § 14:27 Package delivery by drone phases for certification
- § 14:28 Types of Part 135 Certificates

## **IX. UAS TEST SITES**

- § 14:29 UAS Test Site Program, test site locations, focus, and QCE's

## **X. FORMS**

- § 14:30 FAA Form 8130-6: Application for U.S. Airworthiness Certificate

# **CHAPTER 15. LAW ENFORCEMENT AND OTHER PUBLIC SAFETY ORGANIZATIONS**

## **I. INTRODUCTION**

- § 15:1 Overview
- § 15:2 Certain authority
- § 15:3 Definitions and acronyms

## **II. OPERATIONS**

- § 15:4 Operation options, commencing a drone program, and compliance
- § 15:5 Operating under 14 C.F.R. Pt. 107 and under 55 lbs. waivers for public safety organizations operating under Part 107
- § 15:6 Public aircraft operations and under 55 lbs. waivers for public safety organizations operating under Part 91
- § 15:7 Obtaining authorization to fly in an emergency

## **III. FAA LAW ENFORCEMENT SUPPORT, GUIDANCE, AND DRONE EVENTS**

- § 15:8 LEAP, ROCs, FAA Special Agents, and Enforcement Actions
- § 15:9 FAA guidance for law enforcement entities and FAA publications for public safety organizations
- § 15:10 Law enforcement handling of drone events
- § 15:11 Prohibited Drone flights—Special use airspace
- § 15:12 Criminal violations, Fourth Amendment, and state and local issues and regulations

## **CHAPTER 16. *[Reserved]***

## **CHAPTER 17. *[Reserved]***

TABLE OF CONTENTS

**CHAPTER 18. NATIONAL SECURITY CONCERNS**

- § 18:1 Introduction to national security concerns
- § 18:2 Section 889 of FY 2019 NDAA prohibitions on government procurement of certain telecommunications products or services
- § 18:3 Secure and Trusted Communications Networks Act of 2019 and the Covered List
- § 18:4 Section 848 of FY 2020 NDAA and 817 of FY 2023 NDAA prohibitions on DOD procurement of drones and critical parts manufactured in covered foreign countries
- § 18:5 Section 1260H of FY 2021 NDAA mandates list of Chinese military companies and distinction with the Covered List
- § 18:6 American Security Drone Act of 2023
- § 18:7 FCC 2025 order banning new drone systems manufactured in any foreign country
- § 18:8 Certain states ban government procurement of certain drone products and services

**CHAPTER 19. STATE LAWS REGULATING DRONES**

**I. INTRODUCTION**

- § 19:1 Overview

**II. STATE LAWS GOVERNING UAS**

- § 19:2 Alabama
- § 19:3 Alaska
- § 19:4 Arizona
- § 19:5 Arkansas
- § 19:6 California
- § 19:7 Colorado
- § 19:8 Connecticut
- § 19:9 Delaware
- § 19:10 Florida
- § 19:11 Georgia
- § 19:12 Hawaii
- § 19:13 Idaho
- § 19:14 Illinois
- § 19:15 Indiana
- § 19:16 Iowa
- § 19:17 Kansas
- § 19:18 Kentucky

§ 19:19	Louisiana
§ 19:20	Maine
§ 19:21	Maryland
§ 19:22	Massachusetts
§ 19:23	Michigan
§ 19:24	Minnesota
§ 19:25	Mississippi
§ 19:26	Missouri
§ 19:27	Montana
§ 19:28	<i>[Reserved]</i>
§ 19:29	Nevada
§ 19:30	New Hampshire
§ 19:31	New Jersey
§ 19:32	New Mexico
§ 19:33	New York
§ 19:34	North Carolina
§ 19:35	North Dakota
§ 19:36	Ohio
§ 19:37	Oklahoma
§ 19:38	Oregon
§ 19:39	Pennsylvania
§ 19:40	Rhode Island
§ 19:41	South Carolina
§ 19:42	South Dakota
§ 19:43	Tennessee
§ 19:44	Texas
§ 19:45	Utah
§ 19:46	Vermont
§ 19:47	Virginia
§ 19:48	Washington
§ 19:49	West Virginia
§ 19:50	Wisconsin
§ 19:51	Wyoming

## **CHAPTER 20. CERTAIN MUNICIPAL AND OTHER REGULATIONS**

§ 20:1	Introduction
§ 20:2	Alabama
§ 20:3	<i>[Reserved]</i>
§ 20:4	Arizona
§ 20:5	<i>[Reserved]</i>
§ 20:6	California
§ 20:7	Colorado
§ 20:8	Connecticut
§ 20:9	<i>[Reserved]</i>
§ 20:10	Florida

## TABLE OF CONTENTS

§ 20:11	Georgia
§ 20:12	<i>[Reserved]</i>
§ 20:13	<i>[Reserved]</i>
§ 20:14	Illinois
§ 20:15	<i>[Reserved]</i>
§ 20:16	<i>[Reserved]</i>
§ 20:17	<i>[Reserved]</i>
§ 20:18	<i>[Reserved]</i>
§ 20:19	Louisiana
§ 20:20	<i>[Reserved]</i>
§ 20:21	Maryland
§ 20:22	<i>[Reserved]</i>
§ 20:23	Michigan
§ 20:24	Minnesota
§ 20:25	<i>[Reserved]</i>
§ 20:26	<i>[Reserved]</i>
§ 20:27	<i>[Reserved]</i>
§ 20:28	<i>[Reserved]</i>
§ 20:29	<i>[Reserved]</i>
§ 20:30	<i>[Reserved]</i>
§ 20:31	New Jersey
§ 20:32	<i>[Reserved]</i>
§ 20:33	New York
§ 20:34	<i>[Reserved]</i>
§ 20:35	<i>[Reserved]</i>
§ 20:36	<i>[Reserved]</i>
§ 20:37	<i>[Reserved]</i>
§ 20:38	Oregon
§ 20:39	Pennsylvania
§ 20:40	Rhode Island
§ 20:41	<i>[Reserved]</i>
§ 20:42	<i>[Reserved]</i>
§ 20:43	<i>[Reserved]</i>
§ 20:44	Texas
§ 20:45	Utah
§ 20:46	<i>[Reserved]</i>
§ 20:47	Virginia
§ 20:48	<i>[Reserved]</i>
§ 20:49	<i>[Reserved]</i>
§ 20:50	Wisconsin
§ 20:51	<i>[Reserved]</i>

## **CHAPTER 21. *[Reserved]***

## **CHAPTER 22. INTRODUCTION TO CIVIL LIABILITY**

### **I. INTRODUCTION**

§ 22:1	Introduction to civil liability
--------	---------------------------------

§ 22:2 *[Reserved]*

## **II. IDENTIFYING A DRONE OPERATOR DEFENDANT**

§ 22:3 Discovering defendant's identity

§ 22:4 Suing fictitious defendants when defendant's true identity unknown

§ 22:5 Admissibility of drone footage in civil cases

## **CHAPTER 23. UNIFORM TORT LAW RELATING TO DRONES ACT**

§ 23:1 Uniform Tort Law Relating to Drones Act generally

§ 23:2 Existing law applies to drones

§ 23:3 Federal and state law relationship

§ 23:4 Trespass under the Uniform Tort Law Relating to Drones Act

§ 23:5 Privacy under the Uniform Tort Law Relating to Drones Act

## **CHAPTER 24. JURISDICTION AND VENUE**

### **I. SUBJECT MATTER JURISDICTION**

§ 24:1 Federal court jurisdiction

§ 24:2 Diversity jurisdiction

§ 24:3 *[Reserved]*

§ 24:4 Federal question jurisdiction

§ 24:5 —Arising under federal law

§ 24:6 —Federal preemption as a defense

§ 24:7 —Actions by parties

§ 24:8 —Challenges

§ 24:9 *[Reserved]*

§ 24:10 *[Reserved]*

### **II. PERSONAL JURISDICTION**

§ 24:11 State asserting personal jurisdiction

§ 24:12 *[Reserved]*

### **III. VENUE**

§ 24:13 Venue in federal courts

§ 24:14 Forum selection clauses

§ 24:15 Forum non conveniens

§ 24:16 *[Reserved]*

## **CHAPTER 25. INSURANCE CONSIDERATIONS**

§ 25:1 Introduction

TABLE OF CONTENTS

§ 25:2 *[Reserved]*

§ 25:3 Aircraft and unmanned aircraft exclusions in insurance policies

§ 25:4 Drone insurance may be provided by Secretary of Transportation

**CHAPTER 26. *[Reserved]***

**CHAPTER 27. PRODUCTS LIABILITY**

**I. INTRODUCTION**

§ 27:1 Overview

§ 27:2 Product defined

§ 27:3 Common elements of products liability claims

**II. STRICT LIABILITY**

§ 27:4 Policies justifying strict liability

**A. PARTIES TO A STRICT PRODUCTS LIABILITY CLAIM**

§ 27:5 Applicable plaintiffs

§ 27:6 Applicable defendants

§ 27:7 —Seller and distributor liability

§ 27:8 Parties—Enterprise liability

**B. ELEMENTS TO A STRICT PRODUCTS LIABILITY CLAIM**

§ 27:9 Elements of strict products liability claim

§ 27:10 Sample jury instructions

**1. Defective and Unreasonably Dangerous**

§ 27:11 Element—The product is defective and unreasonably dangerous

§ 27:12 Categories of product defects—Manufacturing defects

§ 27:13 —Design defect

§ 27:14 Design defect—Available alternative design:

§ 27:15 Unavoidably dangerous aspects of products

§ 27:16 Categories of product defects—Inadequate warning or instructions

§ 27:17 Inference of a defect in the absence of proof of specific product defect

§ 27:18 Compliance with federal regulations

§ 27:19 —Federal preemption

2. Defective at the Time the Product Left Seller's Control

§ 27:20 Elements—Defective at the time product left seller's control

3. Proximate Cause

§ 27:21 Elements—Defective condition must proximately cause the injury

C. DEFENSES

§ 27:22 Strict products liability—Defenses

D. DAMAGES

§ 27:23 Strict products liability—Damages

**III. NEGLIGENCE PRODUCTS LIABILITY**

§ 27:24 Negligent products liability

§ 27:25 Res ipsa loquitur

**IV. ECONOMIC LOSS DOCTRINE**

§ 27:26 Economic loss doctrine

**V. MANUFACTURER STATEMENT OF COMPLIANCE**

§ 27:27 Manufacturer statement of compliance for small UAS

**CHAPTER 28. EXPRESS WARRANTIES**

§ 28:1 Creation of express warranties

§ 28:2 Elements of breach of express warranty cause of action

§ 28:3 Reliance upon express warranties in breach of warranty claim

**CHAPTER 29. IMPLIED WARRANTIES**

§ 29:1 Implied warranties under Uniform Commercial Code

§ 29:2 Implied warranties arise in sales of goods

§ 29:3 Applicability of implied warranties to service contracts

§ 29:4 Implied warranty of merchantability

§ 29:5 Implied warranty of fitness for a particular purpose

§ 29:6 Privity Often Required

§ 29:7 Disclaiming implied warranties

§ 29:8 Relationship to strict liability

**CHAPTER 30. *[Reserved]***

TABLE OF CONTENTS

**CHAPTER 31. NEGLIGENCE (OPERATOR LIABILITY)**

- § 31:1 Generally
- § 31:2 Negligence elements
- § 31:3 —Duty
- § 31:4 —Breach
- § 31:5 —Cause
- § 31:6 —Harm or injury
- § 31:7 Negligence Per Se
- § 31:8 Contributory and comparative negligence

**CHAPTER 32. STRICT LIABILITY (FOR OPERATORS)**

- § 32:1 Introduction
- § 32:2 Historical application of strict liability
- § 32:3 Aviation is generally not an abnormally dangerous activity
- § 32:4 History of aviation as an abnormally dangerous activity
- § 32:5 States imposing strict liability for aviation

**CHAPTER 33. TRESPASS AND NUISANCE**

**I. INTRODUCTION**

- § 33:1 Trespass generally

**II. ELEMENTS OF TRESPASS CLAIM**

- § 33:2 Elements of trespass to land
- § 33:3 Trespass element—Intent
- § 33:4 —Entry

**A. AERIAL ENTRY AND TRESPASS**

- § 33:5 Aerial trespass doctrine
- § 33:6 Historical aerial trespass cases
- § 33:7 Uniform Tort Law Relating to Drones Act

**B. OWNERSHIP OF AIRSPACE**

- § 33:8 Trespass element—Land of another

**III. DAMAGES AND OTHER TRESPASS CONCERNS**

- § 33:9 Drone trespass ordinances
- § 33:10 Prescriptive easements created by repeated use of airspace

§ 33:11 Damages

#### **IV. NUISANCE**

§ 33:12 Nuisance generally

§ 33:13 Private nuisance

§ 33:14 Private nuisance element—Invasion of use and enjoyment of land

§ 33:15 —Intent

§ 33:16 Public nuisance

§ 33:17 Nuisance per se

§ 33:18 Nuisance damages

#### **V. TRESPASS TO CHATTELS AND CONVERSION**

§ 33:19 Trespass to chattels and conversion—Generally

§ 33:20 —Distinguished

§ 33:21 —Electronic interference

§ 33:22 —Intent

§ 33:23 —Remedies and damages

### **CHAPTER 34. INVASION OF PRIVACY**

#### **I. INTRODUCTION**

§ 34:1 Invasion of privacy is four distinct torts

#### **II. SOURCE OF LAW**

§ 34:2 Invasion of privacy law largely governed by states

§ 34:3 Sources of state authority

§ 34:4 California statutory action for invasion of privacy

§ 34:5 New York does not recognize common law invasion of privacy

#### **III. INTRUSION UPON SECLUSION**

§ 34:6 Elements

##### **A. ELEMENT—INTENTIONAL INTRUSION**

§ 34:7 What constitutes an intrusion

§ 34:8 Intrusion must be intentional

§ 34:9 Viewing or listening to recordings may not be required

§ 34:10 Functionality of a video or recording device

##### **B. ELEMENT—PRIVATE PLACE OR MATTER**

§ 34:11 What constitutes a private place, conversation, or matter

## TABLE OF CONTENTS

- § 34:12 Subjective expectation of privacy
- § 34:13 Objectively reasonable expectation of privacy
- § 34:14 Videos captured of individuals in home
- § 34:15 Privately owned areas outside the home
- § 34:16 Curtilage often within 75 feet of dwelling
- § 34:17 Examples of reasonable expectation of privacy in curtilage
- § 34:18 Constant video surveillance more invasive than flyover
- § 34:19 Curtilage of a place of business
- § 34:20 Tortfeasor's relationship to claimant

### C. ELEMENT—HIGHLY OFFENSIVE TO A REASONABLE PERSON

- § 34:21 Factors to determine offensive nature of intrusion
- § 34:22 Publication of videos or images not required
- § 34:23 Damages for intrusion upon seclusion

## IV. OTHER INVASION OF PRIVACY TORTS

- § 34:24 Other invasion of privacy torts generally
- § 34:25 Public disclosure of private facts—Drone application
- § 34:26 Appropriation—Drone application
- § 34:27 New York statutory action for appropriation
- § 34:28 False light—Drone application

## V. APPLICABILITY

- § 34:29 Right to privacy is held by natural persons only

## VI. CRIMINAL INVASION OF PRIVACY

- § 34:30 Criminal invasion of privacy statutes

# CHAPTER 35. ASSAULT AND BATTERY

## I. INTRODUCTION

- § 35:1 Assault and battery generally

## II. ASSAULT

- § 35:2 Assault elements
- § 35:3 —Overt act
- § 35:4 —Intent
- § 35:5 —Person of another
- § 35:6 —Without consent
- § 35:7 —Apprehension of harmful or offensive contact

### **III. BATTERY**

- § 35:8 Battery elements
- § 35:9 —Contact
- § 35:10 —Person of another
- § 35:11 —Intent
- § 35:12 —Lack of consent
- § 35:13 —Resulting harm or offense
- § 35:14 Battery committed by vehicles and instrumentalities

### **CHAPTER 36. [Reserved]**

## **CHAPTER 37. CONTRACTS—FORMATION AND TERMS OF SERVICE**

### **I. INTRODUCTION**

- § 37:1 Introduction

### **II. CONTRACT FORMATION**

- § 37:2 *[Reserved]*
- § 37:3 In-Box and shrinkwrap agreements
- § 37:4 Online contracts and wrap agreements
- § 37:5 —Clickwrap agreements
- § 37:6 —Scrollwrap agreements
- § 37:7 —Browsewrap agreements
- § 37:8 —Sign-in-wrap agreements

### **III. CONTRACTS OF SALES**

- § 37:9 Applicability of federal and state law
- § 37:10 Ownership is distinct from registration

### **IV. APPLICABLE LAWS AND FORUMS**

- § 37:11 Forum selection clause
- § 37:12 Federal contracts involving the U.S. government

## **CHAPTER 38. CONTRACTUAL INDEMNIFICATION**

- § 38:1 Introduction to contractual indemnification
- § 38:2 *[Reserved]*
- § 38:3 Interpretation of indemnity agreements
- § 38:4 Indemnification from a party's own negligence
- § 38:5 —California approach
- § 38:6 *[Reserved]*

TABLE OF CONTENTS

- § 38:7 Contractual indemnity without fault
- § 38:8 Public policy limitations on indemnity
- § 38:9 Indemnification may encompass attorney's fees

**CHAPTER 39. [Reserved]**

**CHAPTER 40. CRIMINAL VIOLATIONS**

**I. INTRODUCTION**

- § 40:1 Introduction

**II. UNLAWFUL OPERATION OF A DRONE  
GENERALLY**

- § 40:2 Unlawful or prohibited operations—generally
- § 40:3 Operations interfering with law enforcement or emergency services
- § 40:4 Use of a drone for criminal conduct
- § 40:5 Operating under the influence
- § 40:6 Interference with manned aircraft
- § 40:7 Operations in violation of federal law and FAA regulations

**III. NO-FLY AREAS**

- § 40:8 State prescribed drone no-fly zones
- § 40:9 Operations over sporting events and open-air events
- § 40:10 Operations over critical infrastructure
- § 40:11 Operations involving prisons and jails
- § 40:12 —No-fly restrictions
- § 40:13 —Introduction of contraband
- § 40:14 —Surveillance and photography
- § 40:15 Operations in close proximity to airports
- § 40:16 Other prohibited no-fly zones

**IV. ENDANGERING SAFETY, VIOLENT CRIMES,  
AND WEAPONIZED DRONES**

- § 40:17 Operations endangering safety
- § 40:18 Criminal assault and battery
- § 40:19 Weaponized drones

**V. CRIMINAL TRESPASS**

- § 40:20 Criminal trespass

**VI. CRIMINAL INVASION OF PRIVACY AND  
VOYEURISM**

- § 40:21 Criminal invasion of privacy statutes

- § 40:22 Voyeurism
- § 40:23 Surveillance
- § 40:24 Publication of images
- § 40:25 Use of drones by registered offenders and protective order respondents
- § 40:26 Aerial harassment
- § 40:27 Other privacy related criminal violations
- § 40:28 Exceptions

## **VII. CRIMES AGAINST DRONES**

- § 40:29 Crimes against drones

### **CHAPTER 41. LAW ENFORCEMENT SEARCHES AND THE FOURTH AMENDMENT**

- § 41:1 Introduction
- § 41:2 Was the conduct a search?
- § 41:3 Was there a reasonable expectation of privacy in the area searched?
- § 41:4 Subjective expectation of privacy
- § 41:5 Objectively reasonable expectation of privacy
- § 41:6 Curtilage
- § 41:7 Open fields
- § 41:8 Law enforcement drone search cases
- § 41:9 Plain view doctrine
- § 41:10 Compliance with FAA regulations and Fourth Amendment analysis
- § 41:11 Remote Identification and the Fourth Amendment
- § 41:12 Fourth Amendment seizures involving drones and drone operators

### **CHAPTER 42. *[Reserved]***

### **CHAPTER 43. CONSTITUTIONAL CONCERNS**

#### **I. FEDERAL SUPREMACY AND PREEMPTION**

- § 43:1 *[Reserved]*
- § 43:2 Constitutional authority for federal regulation
- § 43:3 Supremacy Clause
- § 43:4 Federal preemption—Generally
- § 43:5 Preemption and state registration requirements
- § 43:6 Preemption and operational restrictions
- § 43:7 Proposed Legislation

TABLE OF CONTENTS

§ 43:8 *[Reserved]*

§ 43:9 *[Reserved]*

**II. FIRST AMENDMENT CONCERNS**

§ 43:10 First Amendment challenges to drone restrictions

§ 43:11 *[Reserved]*

**APPENDICES**

Appendix A. Glossary of Terms & Acronyms for Purposes of  
*Drone Law*

Appendix B. Certain State Drone Hunting Regulations and  
Restrictions

Appendix C. Law Enforcement Use of Drones

**Table of Laws and Rules**

**Table of Cases**

**Index**