

FAA Small Drone Rule: Takeaways For Commercial Users

December 14, 2015

On Dec. 14, the Federal Aviation Administration released an interim final rule that outlines the registration and marking requirements for small unmanned aircrafts, or drones. The registration rule mainly applies to noncommercial, hobby-type drones and took effect Monday — just in time to apply to all those drones under the Christmas tree.

The registration rule follows a request for further information issued on Oct. 19, 2015. Importantly, it requires all unmanned aircraft weighing nine ounces or more to be registered with the FAA. It notes that approximately 1.6 million drones will be sold in 2015 and potentially covered by the registration rule.

Those who have closely followed FAA rulemaking in this space immediately wondered how the registration rule differs from the proposed rule the FAA released in February 2015, which will apply to commercial drone usage. There are a few readily apparent differences between the registration rule and the proposed commercial rule.

Importantly, the registration rule and the proposed commercial rule will apply to the same size drones — those under 55 pounds. But, the registration rule will primarily apply to noncommercial usage only. In contrast, the proposed commercial rule will apply to commercial drone operations.

However, portions of the registration rule that impact the commercial space, and other portions that apply solely to the hobby space, may hint at possible changes to the proposed commercial rule. For instance, introduction of the Web registration system will eliminate the paper registration system currently in place for commercial operators.

Web-Based Registration

Hobby operators are now able to log onto a Web system to register their drones. Hobby operators will be able to register all of their drones under one account and will be given one registration number to affix to their drones. The purpose of the registration number is to help identify the owner and operator should a drone-related incident occur.

This contrasts with the FAA's current system for commercial operators, which requires the commercial drone user to fill out a paper registration form and await its return. The registration rule states that the Web system will be available to commercial users starting late March 2016. The registration rule also shows that the FAA will be moving away from the N-number registration for commercial drones.

This may be a significant boon to the commercial drone space, as it will dramatically reduce some of the burden on commercial operators just entering the space.

For larger drones — those weighing 55 pounds or more — the old paper registration system will remain in place.

Individual Registration

The registration rule will allow hobby users to register all drones under one registration number. By contrast, commercial operators will likely still be required to register each drone individually. Hobby users are told that if they transfer ownership of the drone, they should remove the registration number from the device and unregister it from the Web-based system.

While the registration rule does not change this requirement for commercial users, it does show that the FAA may continue to require commercial users to maintain a separate registration number for each drone. This may be more of a burden initially, but for larger commercial operations, it will provide more protection should a drone be stolen or operated in an unsafe manner by an employee.

Gun registration, in states that require it, provides an analogous example. Numerous situations arise where guns were lost, stolen, or transferred and later used in a manner that required the previous registrant to show proof that it was no longer theirs. Some commercial operators will greet the individual registration requirement as a positive development that helps avoid these situations — and others will feel that it is another burden to their operations.

However, even with individual registration — valid for three years — it will cost only \$5 per drone for commercial operation. Commercial operators will be required to provide more information than hobby users, including specifics about the drone.

Pilot Requirements

Conspicuously absent from the registration rule is another mention of a pilot's license. The proposed commercial rule includes some sort of a test before one can operate a drone for a commercial use, and those operating under a 333 Exemption have been required to have an operator with a pilot's license.

Although the pilot's license is not mentioned in the registration rule and there is no mention of the test that was part of the proposed commercial rule, it is unlikely that this means that the FAA will not require some licensing for commercial drone operators. One important distinction is that the registration rule sets the minimum age of operation at 13 for hobby users, while the proposed commercial rule sets the minimum age of operation at 17 for commercial users.

Conclusion

Although the registration rule primarily applies to hobby users, there are important takeaways for commercial users. A few of them are highlighted here, but commercial drone operators would do well to consider the registration rule as they create and update their operation plans under the commercial rules which are likely to come in mid-2016. Republished with permission by [Law360](#) (subscription required)

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