



Insights: Perspectives

A Dozen Legal Considerations for Drones

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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:

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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.

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

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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?

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

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Will there be one or more Visual Observers / Spotters?

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

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Have the proper pre-flight checks been done?

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

Has everyone involved been informed about:

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

8

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.

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.)

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

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).

12

For more information, please contact

Brian Gaudet at bgaudet@kilpatricktownsend.com or David Lynch at dlynch@kilpatricktownsend.com

www.kilpatricktownsend.com

Related People



Brian R. Gaudet

t 281.809.4082

bgaudet@ktslaw.com