

FAA Issues Long-Anticipated Commercial Drone Rules & Eliminates the Section 333 Exemption Process

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On Tuesday, June 21, 2016, the FAA issued its long-anticipated rules governing commercial operations of small, unmanned aircraft systems (UAS), otherwise known as drones. The new rules, which have been in the works since companies and drone makers began lobbying for commercial drone regulations years ago, will take effect after a 60-day comment period. With the new rules, it appears that the Obama administration is attempting to strike the right balance between safety and the potential economic benefits of drone technology.

The FAA has been regulating commercial drone use through its Section 333 petition exemption process. Since that process began in 2015, the FAA has issued more than 6,000 exemptions, and over 7,000 petitions are still currently pending.

The new rules will completely eliminate the Section 333 exemption petition process by removing the requirement for commercial operators to obtain approval prior to commencing commercial operations of drones weighing under 55 pounds.

The new rules contain several important provisions and restrictions, including, but not limited to, the following:

- 1) Operators must still register drones online
- 2) Pilots must be at least 16 years old and pass an aviation knowledge exam at an FAA-approved knowledge testing center (pilots will receive a 24-month certification)
- 3) Pilots must still pass TSA security vetting
- 4) Drones must be flown within visual line of sight at all times
- 5) Drones cannot be flown at night or over people
- 6) Drones cannot be flown higher than 400 feet
- 7) Special permission must be obtained prior to operating drones within 5 miles of airports
- 8) Drones cannot fly faster than 100 miles per hour

In conjunction with issuing these new rules, the FAA also issued a written statement urging states and cities to follow FAA regulations. Since this statement was merely a recommendation, we can foresee issues related to whether the FAA rules pre-empt state and local drone regulations. We discussed this issue in our last alert, "[State and Local Governments Considering Drone Laws Should Consult with the FAA.](#)"

By requiring commercial drones to be flown within the visual line of sight at all times, the FAA will be restricting companies, such as Amazon and Google, from conducting commercial drone package delivery.

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