

Aviation & Space Alert

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Joe Hardy & Jason Kemp
Aviation & Space Attorneys
National, International, Interstellar.



New Commercial Drone (UAS) Rules Take Effect Today!

The long-awaited Federal Aviation Regulations (FARs) Part 107 takes effect today, August 29, 2016. This new part to the FARs allows commercial operations for Small Unmanned Aircraft Systems (SUAS).



Previously, commercial SUAS operations were permitted only if the operator applied for and was granted a "Section 333 Exemption" by the FAA on a case-by-case basis. Operators that already obtained a Section 333 Exemption may continue to operate under their exemptions or choose the new FAR Part 107 rules (which are similar to many of the exemptions granted).

There are a number of procedures, restrictions and limitations in new FAR Part 107 for the commercial use of SUAS. Below are a few highlights that really stand out to me.

- The SUAS must weigh less than 55lbs.
- Visual line-of-sight only. But an observer in communication with the remote pilot is allowed.
- May NOT fly over people unless they are directly involved in the SUAS operation, or inside a structure or vehicle that can protect them. (Amazon may have some work to do on this one.)
- Does not apply to SUAS that are operated purely for recreational or hobby use, and meet other criteria (Model Aircraft). But the FAA did add a new rule in existing FAR Part 101 expressly prohibiting the operation of Model Aircraft from

endangering the National Airspace System- in case you weren't clear on that.

- Daylight only.
- Max. groundspeed of 100 mph.
- Max. altitude of 400' above the ground (with some variations around structures).
- NEW CATEGORY OF FAA PILOT LICENSE: the remote pilot certificate with SUAS rating. Not surprisingly, the requirements for this are less burdensome than a traditional manned pilot certificate (commercial or private). And the process is even more streamlined for existing licensed pilots of manned aircraft.
- SUAS operations can be conducted by a certificated remote pilot with SUAS rating, or by someone under the direct supervision of such a certificated pilot.
- The SUAS DOES NOT require an FAA airworthiness certification.
- The SUAS DOES have to be registered with the FAA.

Here is a link to the full text of the new rules: [FAR Part 107 & other changes](#)

What does this mean to you?

- If you are a SUAS hobbyist (and meet the specific criteria for "model aircraft" operations), no change. Unless you were under the mistaken impression that you were allowed to endanger the National Airspace System. You can't do that.
- If you are already operating SUAS commercially pursuant to an FAA Section 333 Exemption, you can continue doing that, or operate under the new FAR Part 107 rules. But compare your specific exemption closely to Part 107 to see which would be more advantageous.
- If you have been waiting for these new rules to start operating SUAS commercially without having to get a specific exemption- get to it! But again make sure you follow all of the new rules and procedures carefully- the above is just a short summary of some of the new rules.
- If you are a manned aircraft certificated pilot, consider adding the new remote pilot certificate with SUAS rating. If you are not a manned aircraft pilot but interested in flying SUAS commercially, you now have a defined, recognizable and fairly easy way of doing that.
- For all of the above, make sure your operations fully comply with the applicable FARs and/or your exemption. Not doing that can result in significant FAA fines, pilot enforcement action, potential insurance denial and, if the trend with manned aircraft FAR violations carries over to SUAS operations, even criminal prosecution in some cases.

Hardy Law will continue to advise and help with FAR compliance and FAA enforcement actions, including the new angle provided with these rules effective today.



About Hardy Law

We believe in an aviation & space industry with everyone working together for safety, innovation, utility, economic security and fun. We combine our industry and legal experiences to help people avoid making really big mistakes with their aircraft and spacecraft.

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Joe Hardy & Jason Kemp
Hardy Law, LLC
404.941.5529
Joe@AviationSpaceLaw.com
Jason@AviationSpaceLaw.com
www.AviationSpaceLaw.com



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