Preface

The manuscript of this book was sent to the publisher on August 29, 2016—the same day that the first U.S. rules for flight of commercial drones went into effect. This fact tells you everything that you need to know about the challenge of producing a work covering a new area of the law. To say that there were many edits and rewrites—and that there will be—is an understatement, as the relevant technologies associated with unmanned aerial vehicles (“drones”) continue to shift and outpace lawmakers. “Drinking from a firehose” a commercial drone client of mine once said about keeping pace with anticipated regulations.

In any case, this book is the first to present drone law in a comprehensive way. Concededly, it is but a starting point for a discussion of yet-enacted laws as fresh facts and rules no doubt will replace and modify today’s thinking. But, unmistakably, this book fills a huge void and serves a current need for information about the sources, practices, precedent, and trajectory of a billion-dollar industry across numerous private, commercial, public, and military uses.

In fact, the ownership and use of public and civil unmanned aerial systems (UAS) is a rapidly developing part of aviation. This raises significant legal issues of interest to aviators, governments, private citizens, and legal counsel at the national, local, and state levels, most significantly in terms of operations, safety, security, and privacy.

In this context, this book aims to be a supermarket of drone law as that body of law is currently framed. It identifies and explains the subject matter for the academic, practitioner, and student. For example, this book is designed for the operator who wants to know if he can start a drone business and operate his drone for profit as well as for the associate lawyer tasked with the job of determining whether evidence obtained by a drone is admissible in a court of law in a particular jurisdiction. It further imagines a seasoned aviation lawyer or academic researcher interested in staying abreast of the latest rules and policies respecting drone operations and larger issues under the Constitution and international law. Finally, this book imagines the nonlawyer who is interested in learning about the law in this specialized area. In all, this book aims to reach both the novice and expert (to the extent any expertise can yet be claimed in this field).

Like other treatises or practice guides, this book draws extensively from, and directs the reader to, primary source material, including federal law, national aviation regulations, state statutes, city ordinances, international laws, and industry standards and practices. Relevant and supplemental secondary materials are detailed in the book’s more than 2,200 footnotes while recommended readings at the end of each of 11 chapters provide additional guidance and starting points for the reader.
At its core, this book is a traditional treatise that presents the main legal, business, and regulatory issues associated with unmanned aerial vehicles—drones. Though not designed to be read from beginning to end (but rather from section to section, as needed), this book introduces readers to the seminal issues that constitute drone law: definitions, model aircraft operations, the FAA Modernization and Reform Act of 2012, airspace, registration, authorizations to fly, and the newly enacted “Part 107” directed to small commercial drones. The book concludes with a comprehensive survey of state-by-state and nation-by-nation drone laws. Altogether, readers will gain rare insight into how laws are made (or not) in the face of rapid technological change.