

FAA's 2016 RULES FOR OPERATION OF SMALL UNMANNED AIRCRAFT SYSTEMS

Recognizing the gaining popularity of small Unmanned Aircraft Systems (sUAS), or drones, by the public, the FAA in 2016 promulgated their [rules](#) for flying drones. These rules consisted of operational limitations, pilot requirements, and several other provisions.

Operational Limitations

The drone must:

- Weigh less than 55 pounds.
- Be operated within visual line of sight.
- Not be operated over people who are not directly involved in the operation.
- Be flown only in daylight, or up to 30 minutes before sunrise until 30 minutes after sunset.
- Yield its right-of-way to other aircraft.
- Have a maximum groundspeed of 100 mph. Groundspeed can be calculated by GPS on the drone or manually. Alternatively, the drone may have been manufactured to have a maximum ground speed of 100 mph or less.
- Fly no higher than 400 feet above the ground, or remain no more than 400 feet from a structure.
- Must be operated in a safe manner. Operating a drone while impaired is not allowed.

Some of the conditions above may be [waived](#) with a certificate of waiver.

Drone Pilot Requirements

[Drone pilots](#) are called “remote pilots” in the federal regulations governing the operation of drones. To operate a drone, the remote pilot must have a pilot airman certificate with sUAS rating. Alternatively, a person may operate a drone under the supervision of one who has the requisite certification.

To obtain a remote pilot certificate, the applicant must:

- Demonstrate necessary aeronautical knowledge;
- Be able to speak, write, and understand English;
- Have no physical or mental condition that would interfere with the safe operation of an sUAS;
- Have been vetted by the Transportation Security Administration; and
- Be 16 years of age or older.

The remote pilot must be willing to make their drone available for FAA inspection at any time, and provide any associated documentation. Finally, the remote pilot always has to conduct a pre-flight inspection to make sure the drone is safe to fly.

Accident Reporting

If a drone is involved in an accident, the remote pilot must [report](#) it to the FAA within 10 days if:

- A person is seriously injured or loses consciousness. An injury requiring a hospital visit is a serious injury, even if it is reversible.

- The drone damages other property in amount of \$500 or more.

The accident report is made to the appropriate FAA Regional Operations center.

2021 Updates to These Rules

The American public continues to have fascination with drones, and the FAA recognizes this. So, in January 2021, the FAA loosened some of the constraints on the public flying drones. While many small changes were made, two very consequential modifications occurred. First, drones could sometimes be flown out of line of sight. Second, under certain conditions, drones [could be operated](#) over people and at nighttime. However, the FAA did add a [requirement](#) that drones be able to remotely provide identification and location information.

Complicated Rules

Both the 2016 rules and the modified 2021 rules are complicated. Don't hesitate to [contact](#) our aviation law attorneys with any questions.

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