

Recreational Drone Registration Task Force Recommendations Issued

By John Fry

The bottom line of new Task Force guidelines for drone use appears to favor the interests of the sellers and potential operators of drones at the expense of safety interests. But building a consensus among the diverse interests represented by the members of the Task Force was unlikely, unless the members took small steps from minimum regulation with an eye toward determining how much regulation is necessary to bring the safety risks in line.

The Task Force convened last month by the FAA to make recommendations for drone use and safety reported its recommendations to the FAA on Saturday, November 21, 2015.¹ The recommendations were made public on November 23. The guiding principle was to fashion a registration process that “ensures accountability for users of the NAS [national air space] and encourages a maximum level of compliance with the registration requirement, while not unduly burdening the nascent UAS [drone] industry and its enthusiastic owners and users of all ages.” The Report repeatedly states that the recommendations were the result of challenging consensus building and that many members of the task force had strongly held divergent views.

Here are the three main elements of the registration process:

- (1) The registration process should be electronic, through a web portal and apps that can connect to the portal through an API. It did not address how the FAA should set up the online infrastructure required, or how long it may take.
- (2) The guidelines recommended that issuance of a personal registration number and certificate should be immediate, and would apply to all UASs operated by a particular user (alternatively, the registrant could provide the unique serial number of the UAS, which would then serve as the registration number.)
- (3) The UAS(s) would need to be marked with the registration number “readily visible.” If the serial number is the registration number, it would be readily visible even if it is inside a battery compartment, provided tools are not needed to open the compartment.

Another significant and much anticipated component of the recommendations was whether “toy” drones would be exempted and, if so, what the criteria would be. The Task Force recommended that drones smaller than 250 grams (a little over ½ pound) be exempted. This was based on the probability of a catastrophic event resulting in death or serious injury due to a collision between a drone and a person on the ground. The calculations are quite involved (and apparently somewhat controversial within the group), but the end result was to place the weight of the drone at a level with less than one ground fatality for every 20 million flight hours.

There are also several other significant elements of the recommendations:

- (1) Registration would be required of the operator and *not* at the point-of-sale;

¹ http://www.faa.gov/uas/publications/media/RTFARCFinalReport_11-21-15.pdf

- (2) Registration should require only name and address; email, telephone number and serial number of the drone should be optional
- (3) Registration should be free of charge
- (4) Registration should not be conditioned on citizenship status
- (5) The registrant should be 13 or older. Children younger than 13 may still operate drones, but someone 13 or older will need to be the registered operator.
- (6) The process should include an educational component and an acknowledgement of receipt of the educational material (such as the FAA's *Know Before You Fly* program) before the registration can be completed.

While the FAA is not required to adopt all or any of these recommendations, at least for now, with the holidays approaching, it does not appear that the FAA is going to impose a registration requirement at the point-of-sale, which would have the potential of dampening the estimated sales of 700,000 drones this holiday season.

This column is presented for educational and informational purposes and is not intended to constitute legal advice. John Fry is a partner in the Technology and Intellectual Property Litigation Practice at Atlanta law firm of Morris, Manning & Martin, LLP. He is also co-founder of the firm's Drone/UAV practice.