



Myths vs. Facts about Unmanned Aircraft ("drones")

Prepared by the Unmanned Systems Alliance of Oklahoma (USA-OK)

USA-OK is a state chapter of the Association for Unmanned Vehicle Systems International
(**AUVSI**)

More information about USA-OK is at www.usa-ok.org or contact@usa-ok.org

Please visit <http://knowbeforeyoufly.org/> for the latest about FAA rules and regulations.

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The development of unmanned aircraft (commonly called "drones") represents a new potential revolution for aviation technology with economic growth potential for the United States and especially for the State of Oklahoma. Just like other innovations, unmanned aircraft have significant potential for positive benefits to mankind, and like all technologies a potential for misuse. Similar to other aviation advancements, unmanned aircraft technology was first seriously developed and operated by the military and the defense industry. However, as has happened throughout the entire history of aviation, unmanned aircraft will have far more civil applications than military applications, including a broad potential for humanitarian purposes. Unlike other technologies, however, the unmanned aircraft industry is already heavily-regulated due to the fact that the Federal Aviation Administration (FAA) considers all unmanned aircraft ("drones") to be *aircraft*, and therefore they are already strictly regulated for safety reasons. FAA rules and regulations are very complex and far-reaching, but most citizens are unaware of the depth and complexity of FAA regulations since they do not frequently interact with the FAA. This "Myths vs. Facts" information sheet was created to help provide an accurate background and explanation for the current state of "drone" laws, rules and regulations.

Myth	Fact
<i>"There are no laws that regulate drones."</i>	FACT. All aircraft, manned or unmanned, are regulated by the Federal Aviation Administration (FAA) to protect the safety of people and aircraft in the air, and for the safety of people and property on the ground. In fact, the FAA has broad authority to regulate any aircraft operation in the national airspace system (including drones). Violations of FAA rules and regulations can lead to severe penalties, including steep fines and prison sentences. Furthermore, many existing common law and criminal codes (trespassing, battery, privacy, wiretapping, etc.) already apply to drone operations.
<i>"Drones will be flying around our property, houses and everywhere."</i>	FACT. The FAA rules and regulations that will continue to evolve for unmanned aircraft will be very restrictive, and will carry the weight of federal law with severe penalties for violations. FAA rules are based primarily on safety for both people and aircraft already in the air and for the

	<p>safety of people and property on the ground. Most of the feared imagined scenarios are already illegal because they would also be unsafe. If we look at the history of FAA regulations, aircraft have always been required to stay away from built-up areas (buildings and structures) and people and crowds. There are additional "line of sight" requirements for operators. Unsafe activity will not be permitted by the FAA.</p>
<p><i>"The only uses for drones are for military applications or spying."</i></p>	<p>FACT. Most of our aviation technology over the past century has originated with the military. However, civil non-military applications of aviation technology have always grown much larger than military applications. We only need to look at the commercial aviation industry and commercial airlines to recognize the vast potential of civil aircraft applications. The same will be true with unmanned aircraft ("drones"). Just like other technologies, unmanned aircraft are a tool that improves human efficiency. It is anticipated that unmanned aircraft will excel in areas such as cargo delivery, precision agriculture, and related applications, but only after FAA safety regulations and rules are updated and in place.</p>
<p><i>"The drone industry does not want any laws that cover drone operation."</i></p>	<p>FACT. Drone operation is already heavily regulated by the FAA and subject to a plethora of common law and criminal codes. Very few technologies or technology industries start with as much regulation as is currently in place for unmanned aircraft. The industry willingly accepts the need for federal laws and regulations that are already in place to ensure a safe and efficient use of the national airspace system. The industry is committed to safe, legal and responsible operation. Redundant or otherwise unnecessary laws should be avoided since they can create confusion and lead to problems with enforcement and interpretation. They can also conflict with other important constitutional rights and freedoms.</p>
<p><i>"Hobbyists and recreational flyers are exempt from FAA authority and the law."</i></p>	<p>FACT. Hobby and model aircraft are still considered "aircraft" by the FAA and are very much regulated by the FAA. Section 336 of the <i>FAA Modernization and Reform Act of 2012</i> codified specific requirements for hobbyists and model aircraft operators to ensure safe and responsible operation.</p>

<p><i>"We need more laws to protect the Fourth Amendment against drones."</i></p>	<p>FACT. The Fourth Amendment applies to all law enforcement aircraft operations today, including manned and unmanned aircraft. The courts have ably shaped interpretation of the Fourth Amendment over the past 220+ years to keep pace with new technology. A recent example is the Supreme Court ruling that law enforcement searches of cell phones require a search warrant. However, legislation that differentiates between manned and unmanned aircraft is problematic and will be confusing and legally ambiguous in the future. The Supreme Court has already weighed in on the issue of law enforcement use of aircraft in <i>Florida vs. Riley</i> (1989).</p>
<p><i>"Without state laws, drones can be used to look in my windows and spy on my house."</i></p>	<p>FACT. Like most other states, Oklahoma has existing Peeping Tom and anti-voyeurism laws. In Oklahoma, this is covered by <i>Title 21 Section 1171 (and other statutes)</i>, that makes it illegal to "spy on" or photograph the inhabitants of a dwelling or any other place where a person has a reasonable expectation of privacy. This law applies to drones, smartphones, cameras and other technologies. The penalties for violations are severe.</p>
<p><i>"Armed drones are currently legal, so we need a ban."</i></p>	<p>FACT. The FAA has already stated – on the record - that armed aircraft (manned or unmanned) are strictly prohibited and illegal under federal law. Although the military has been allowed to operate armed and "weaponized" aircraft for over a century, it is illegal to arm or "weaponize" any type of non-military aircraft. State laws that ban "weaponized" or armed drones are redundant, unnecessary, and potentially confusing. Aircraft are the only type of "vehicles" that already have a federal "blanket ban" in place against "weaponization".</p>
<p><i>"Law enforcement can easily operate drones today."</i></p>	<p>FACT. The FAA considers law enforcement operation of any aircraft (manned or unmanned) to be covered under "<i>public aircraft</i>" rules. As a result, any public entity (law enforcement, government agency, etc.) must obtain explicit permission to operate any unmanned aircraft/"drone". The permission process can take weeks to successfully complete and even when granted, the agency or entity must still coordinate operation with the FAA before flight. This process is much longer and more detailed than a standard search warrant request.</p>

<p><i>"The drone industry opposes the word 'drone' because it is considered pejorative."</i></p>	<p>FACT. The word "drone" has become a well-established common term that is used by the media and public to describe unmanned aircraft. However, a single word such as "drone" can be misleading since it implies that a two pound foam toy is equivalent to a large multi-million dollar military weapon system. All industries tend to use technical terms and jargon that are more descriptive, but the unmanned systems industry does not consider "drone" to be a pejorative term. The industry also uses a variety of other terms such as <i>unmanned aircraft (UA)</i>, <i>unmanned aerial vehicles (UAV)</i>, <i>unmanned aircraft systems (UAS)</i>, and <i>remotely-piloted aircraft (RPA)</i>.</p>
<p><i>"The drone industry is against privacy laws."</i></p>	<p>FACT. The industry does not oppose privacy laws and/or restrictions. However, the industry is opposed to any legislation that attempts to focus on a single type of technology while ignoring the larger privacy problems and risks associated with data retention, data sharing, and data storage. Any privacy legislation should focus on the data regardless of how it is collected, and take into consideration important civil liberties such as those protected by the First Amendment. Legislators should address privacy concerns in a "technology-neutral" manner or else the efforts will be futile and ineffective. Also, safety regulations already prevent many – if not most - privacy problems and scenarios with drones.</p>