



## Drone Use Regulation

### Background

In June 2014, the program review committee authorized a study of drone use regulation. The study focuses on current and potential drone use regulation in Connecticut. Drones are any unmanned, powered aircraft that sustain flight through remote operation, autonomous control, or some combination of the two.

The 2012 Federal Aviation Authority (FAA) Modernization Act distinguishes between three different types of drones – civil, public, and model aircraft. At the federal level, these drone types are defined by their physical characteristics and capabilities as well as by the purpose for which they are being used.

Most jurisdiction for aircraft regulation is FAA at the federal level, excepting some aspects of state and local governmental aircraft. This includes authority regarding: regulation of the navigable airspace; operation of aircraft; setting airworthiness standards; and, establishing pilot licensing or certification requirements. Commercial use of drones is regulated federally and is currently prohibited by FAA, with a few exceptions. Draft federal regulations for use of small drones (i.e., under 55 pounds) for commercial purposes are expected to be made public sometime in 2015.

Program review staff relied on data from the National Conference of State Legislators for review of legislative efforts in other states. Drone laws that were adopted or considered by other states were summarized through a combination of primary examination and review of stakeholder and academic criticisms of the laws. Stakeholders representing a variety of interests, including drone users, law enforcement agencies, legal experts, and privacy advocates were interviewed as part of a study process. A panel discussion regarding law enforcement interaction with drones was held on October 8, 2014.

### Main Staff Findings

**Connecticut stakeholder concerns about drone use are primarily those of privacy and safety.** Some Connecticut stakeholders expressed interest in commercial use of drones, and are concerned that lack of timely FAA regulations limited the potential positive economic impact of drones.

**State or local attempts at regulating non-governmental flight or aircraft directly are preempted by federal authority.** However, states have authority over aircraft owned or used by state and local governments. That authority includes placing limits on drone use for governmental purposes and/or by government employees in the course of their job responsibilities.

**Within the last two years, 20 states have passed legislation directly dealing with drones,** while almost all states have considered some legislative action. Because of the recency of state regulatory efforts, no determination of the efficacy of the regulations was possible at this time.

**Most types of criminal drone use can be addressed through existing state law,** but some statutory clarification may be helpful. The same is true for civil actions.

As is existing practice for manned craft, **state and local governmental safety protocols for drones should be at least as stringent as FAA requirements for non-governmental aircraft.**

### PRI Recommendations

**State statutes should be reviewed and revised to reflect the existence and capabilities of drones.** Statutes regarding aeronautics, in particular, should be revised to address possible federal preemption issues.

**Remote operation of weapons, including via drones, shall be prohibited.** This prohibition should be applied to both governmental and non-governmental drone users.

**Law enforcement use of drones for targeted surveillance shall be limited in duration unless there is probable cause and a warrant.** This limitation is intended to reduce possible violation of an individual's fourth amendment rights, while allowing law enforcement access to possible beneficial uses of drones. **The legislature should adopt a drone-based data retention policy for all state and local law enforcement agencies.**

**All state and local governmentally-owned drones shall register with the Office of Policy and Management (OPM).** Registration data on governmentally-owned drones should be publicly published on a regular basis. **Governmental drone use shall be recorded, summarized, and publicly reported in an aggregate format annually.**