

THE OKLAHOMAN

Q&A with Craig A. Fitzgerald

By [Paula Burkes](#) July 8, 2016



Oklahoma, other states limit flights of unmanned aircraft

Craig A. Fitzgerald, Shareholder with the law firm of GableGotwals and a private pilot with more than 30 years of experience

Q: The governor recently signed legislation to regulate unmanned aircraft in some instances. What does the law do?

A: The new act regulates flights of unmanned aircraft over certain facilities, such as refineries, electrical power generation facilities, natural gas facilities, certain manufacturing facilities, dams, wireless communication facilities and more. If these facilities are completely enclosed by a barrier, such as a fence, or are clearly marked with signs prohibiting entry or flight of unmanned aircraft, then unmanned aircraft can't be flown over the facility within 400 feet of the ground. The act has a broad definition of unmanned aircraft. Though there may be room for debate about this definition, it's clearly intended to apply to quadcopters and similar devices sold at numerous stores, as well as the remote control airplanes and helicopters.

Q: The National Telecommunications and Information Administration (NTIA) recently issued a report on drones. What does it say about the operation of unmanned aircraft?

A: The report is titled "Voluntary Best Practices," and that's exactly what it is. It recognizes that unmanned aircraft provide multiple potential benefits, but that they should be used in a

responsible and respectful way. The report suggests that all users exercise what I would call common sense. For example, notify those who may be interested before using an unmanned aircraft. Don't interfere with others' privacy. Make reasonable efforts not to fly over private property without the owner's consent. The report also recommends measures to limit and secure data obtained by unmanned aircraft.

Q: Does the NTIA have authority to enforce its findings?

A: No, as the name of the report suggests, compliance is voluntary.

Q: Has the Federal Aviation Administration issued formal rules or guidelines for drone operators?

A: Yes, just last week the FAA adopted regulations that will go into effect in August. These regulations only apply to commercial operations. For hobby or recreational use, the FAA has adopted guidelines addressing the safety of manned aircraft. To operate within those guidelines, users should keep their unmanned aircraft below 400 feet, stay more than five miles from an airport unless the airport is notified, and otherwise remain well clear of manned aircraft. Unmanned operators need to understand that pilots can't easily see small unmanned aircraft, and that a collision could cause substantial damage, and possibly loss of life. More information from the FAA is available at faa.gov/uas.

Q: Are drone operators required to have any type of license?

A: The type of aircraft that most of us might fly does not require a license — at least not something comparable to a driver's license or pilot's certificate. However, all unmanned aircraft must be registered with the FAA. If the aircraft is going to be used in some type of business or commercial operation, the operator must obtain what is called a "Section 333 exemption" from the FAA.

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