

Publications

The Future of Drones is Now, Even if the Law is a Bit in Limbo

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Jessica Knopp Cunning, an associate in the Vorys Akron office and a member of the litigation group, authored an article for *Crain's Cleveland Business* titled "The Future of Drones is Now, Even if the Law is a Bit in Limbo." The article highlighted the current state of the FAA rules regarding drones and the various state laws that cover the usage of drones.

The article states:

"The FAA Modernization and Reform Act of 2012 set forth requirements for safely integrating unmanned aircraft systems into the national airspace system by Sept. 30, 2015. However, the FAA has missed that deadline because of unresolved technological, regulatory, and privacy issues.

For example, the 'lost link' remains an unresolved safety issue. A 'lost link' occurs when the data link between the air traffic control center, unmanned aircraft, satellite, and control station is interrupted. There also are concerns about the lack of adequate tools for managing unmanned aircraft traffic because the FAA's air traffic control equipment was not developed with unmanned aircrafts in mind.

In light of it being known news that the FAA was not going to meet the Sept. 30 deadline, many states have enacted their own laws or taken their own initiatives with respect to drones.

In 2013, Idaho became the first state limiting the use of unmanned aircrafts. Idaho law provides that, absent a warrant, and except for emergencies, no person or state agency can use an unmanned aircraft to intentionally conduct surveillance of or gather information about a targeted person or property without written consent. Similarly, Illinois passed the Freedom of Drone Surveillance Act, which prevents law enforcement agencies from using drones to gather information absent enumerated exceptions.

Other states have also limited drone usage. In West Virginia, a person cannot use a drone or other unmanned aircraft to hunt, kill, or take a wild bird or animal. Similarly, Michigan law prohibits hunting or fishing using an unmanned aircraft.”

To read the entire article, visit the *Crain’s Cleveland Business* [website](#).