

# LEGAL UPDATE

## FAA Rule Allows Drones to Operate Over People and at Night

The Federal Aviation Administration (FAA) has released a [final rule](#) allowing the routine operation of small unmanned aircraft systems (UAS) over people and at night under certain circumstances. The rule eliminates the need for those operations to receive individual Part 107 waivers from the FAA.

The rule is effective 60 days after the date of publication in the Federal Register, which is expected in January 2021. There are a few amendments in the rule that will be effective 45 days after publication.

### Operations Over People

The final rule establishes four new categories of small unmanned aircraft for routine operations over people. The final rule also allows for routine operations over moving vehicles when safety requirements are met.

Categories 1-3 refer to the risk of injury UAS pose to people on the ground. FAA-accepted means of compliance (MOC) and declaration of compliance (DOC) are required for category 2 and 3-eligible UAS. Category 4-eligible UAS must have an airworthiness certificate and must meet maintenance and inspection requirements.

Category 1, 2 and 4-eligible UAS may be operated over open-air assemblies if remote identification requirements are met. Category 3-eligible UAS may not be operated over open-air assemblies and may only operate over people if the operation meets specific safety restrictions.

### Operations at Night

Remote pilots in command who wish to conduct small UAS operations at night must complete either the updated initial test or the updated recurrent online training prior to conducting such operations.

Additionally, the small unmanned aircraft must be equipped with operational anti-collision lights that can be seen for three statute miles and have a flash rate sufficient to avoid a collision.

### Other Changes

- Recurrent training is now required for UAS remote pilot applicants instead of a recurrent aeronautical knowledge test.
- Remote pilots must present their remote pilot certificate and identification when requested.
- A person operating a UAS must have their remote pilot certificate and identification in their possession when operating.

*This rule expands the routine operations of small unmanned aircraft to provide increased operational flexibility.*

Provided to you by **Sanford & Tatum, A Heritage Risk Management Company**

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