

FAA Announces New UAS (Drone) Marking Rule

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UAS rules are ever-changing and increasingly complex, making ongoing compliance reviews by all companies using UAS, even when a third-party is responsible for the actual flying, an important component of a corporate compliance program. The Federal Aviation Administration's ("FAA") release of an *immediate* change to its rules on required markings for small Unmanned Aircraft Systems ("UAS," commonly referred to as "drones") highlights the changing nature of the industry's requirements.

In 2016, when the FAA first adopted its rule that all UAS flown in the United States must be registered, it also imposed a requirement that all UAS be marked with an FAA-issued registration number. In response to concerns about aesthetics and inconvenience of exterior markings on often very small aircraft, the FAA permitted operators to include this marking in an internal compartment, provided that compartment could be accessed without the use of any kind of tool. This was particularly important to film and television companies, which sought to conceal their registration numbers when footage of a UAS was included in their productions.

The FAA has abruptly reversed that policy in response to concerns raised by first responders. Beginning *February 25*, all UAS will be required to have their registration number displayed and visible on the external surface of the aircraft. Unlike most rules, which are subject to public comment before becoming effective, the FAA decided that this change needed to be adopted immediately because of an "imminent risk of harm" to first responders.

This new requirement serves as a welcome reminder that UAS regulations are subject to very sudden change and have become more complex over the last few years. While many companies that rely upon UAS for their business needs contract with third-parties to actually fly the aircraft, they must ensure that all operations are fully compliant with not only FAA requirements but also state and local laws. These include trespass and privacy laws, pilot licensing and operational requirements, as well as best practices that can help shield operators and those hiring them from liability.

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