

To the Tort Law Relating to Drones Committee.

First, I want to thank you all of listening to letters and emails from the UAS community concerning your changing of the draft. The latest draft is much, much better than the original. It's something that we as a community can work with.

There are however some areas that could be changed to make this something that can be agreeable to both sides of this issue.

First and foremost, I believe removing any references to First Amendment from the latest draft could lead to serious issues with news agencies and citizen reporters. The inclusion of a First Amendment exception would be very beneficial. I'd like to see you add that back in.

There is also some language that could be clarified to make the NAS safer for the UAS community. This is from the perspective of an Independent Drone Service Provider, not a lawyer.

Specifics:

Section 5 (4) "Whether the unmanned aircraft recorded or captured audio, video or photographs while in operation over the property". The major issue is that even if I'm flying over someone's property, I'm probably shooting the property or area next door. This section only mentions whether or not the activity happens, not what the activity captures. First Amendment issues aside, the language needs to include what the UAS operator was actually taking photos/videos of. If there was no video/photography taken of the property in question, how is this an issue? Mention of subject matter needs to be added to this section.

I would like to thank you for the addition Section 7: Landowner Duties and Responsibilities. However, your second Issue for Consideration is a little bothersome. Your language doesn't include which direction "self-help" would take. If you mean to include that language forbidding acting under "self-help", we as an industry would approve that. But if your intent is to add it under allowances of the land owner, we would obviously be adamantly against that. We have a serious issue with folks administering "self-help" already. Emboldening property owners to take matters into their own hands would lead to even further interactions between land owners and UAS operators. If self-help language is used in the final draft, I'd like to see it as a prohibition.

Additional Issues for Consideration:

(3) Requiring landowners to provide access to their land for us to retrieve our drones could infringe on some landowners' rights when it comes to physical trespass. Some organizations use UAS for nefarious purposes. If they lose their drone on their target's property, they may use this section to cause further harm to the landowner.

(4) Totality must be retained in Section 8. (1) mentions whether the flight "was likely to have provided the operator with the opportunity" to view, listen, etc. the people on the property. Any drone with gimbal control (which is pretty much all of them) provides the operator with the "opportunity". If this section was allowed to stand on its own, then every flight over someone's property would fall under this section, and open up any drone operators to claims by offered land owners. If (2) is also added to the

equation under totality, then a drone operator can use lack of "actions indicating a desire...to infringe" upon privacy as an argument against any such actions by the property owners.

(5) Changes to Section 5's totality provisions. There is some ambiguous language, and it would present some challenges to being able to defuse a situation with a land owner. Requiring drone operators to prove altitude, number of suspected intrusions, and amount of time over property will cause undue hardships. (9) also seems a bit confusing. If an individual is not home, why would it matter if someone flew over their property? It seems unnecessary. There is no harm caused.

As mentioned above, thank you for this latest draft. It is much better than the original. It's most certainly something we as a UAS community can work with.

We all look forward to seeing the final draft that comes out of your meetings in D.C. I hope that you take the needs and wishes of the commercial and hobby drone operators into account on what you come up with to present in Anchorage.

Thank you for your time.

~Vic~

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