

Law Fails to Keep Up with Consumer Drone Technology Innovation

Some of the most exciting and innovative new technologies are in the area of consumer drone technology. The epicenter of the fast growing drone business in in the Bay Area and San Francisco is home to a number of drone-related startups.

The ever changing, fast paced drone industry has not been waiting for legislators and regulators to catch up. In recent weeks, the California legislature passed five bills that would have provided some much needed clarity to the legal landscape. But last week, Governor Brown vetoed all but one of the commercial drone related measures.

The following bills passed the Legislature but were recently vetoed:

- SB 142 would have prohibited the use of drones without authorization over private property.
- SB 271 would have proscribed operating a drone over a public K-12 school or using a drone to take images of a public K-12 school campus during school hours with only narrow exceptions.
- SB 170 would have barred the knowing and intentional use of a drone on or over the grounds of a state prison or jail.
- SB 168 would have made it a misdemeanor to operate a drone in a manner that interferes with firefighting efforts and would relieve emergency personnel and public entities from civil liability for damage done to drones interfering with emergency services.

In his veto message, the Governor stated that senate bills 271,170, and 168 would have increased the complexity of the criminal code without a corresponding benefit. In his veto message related to SB 142, the Governor worried that the bill could expose drone users to "burdensome litigation."

The only commercial drone-related bill to gain approval was AB 856. AB 856, referred to as an "anti-paparazzi" measure, is a modest expansion of the existing law on invasion of privacy to include images or records captured by a drone.

With the conclusion of the regular legislative session, the question of how to restrict commercial drone use, and by whom,



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remains unanswered.

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