**KNOW YOUR LEGAL RIGHTS**

**Are there rules governing drones?**

Know Your Legal Rights is a bi-monthly column distributed by the State Bar of Wisconsin. It is written by members of the State Bar of Wisconsin’s Lawyer Referral and Information Service (LRIS), which connects Wisconsinites with lawyers throughout the state. Learn more at [wislaw.org](http://www.wislaw.org/).

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In 2022 drones are filling our skies and roads. Hobbyists are buying drones for recreation; photographers are taking aerial photos; children are using drones controlled by iPhones. Amazon is expected to bring package delivery via drone this fall. You may be wondering if drones can fly over your house.

There are plenty of rules governing drones. Let’s take a quick look.

**Federal Rules Governing Drones**

In 2016 the Federal Aviation Administration, or FAA, began issuing remote pilot licenses for commercial purposes and to hobbyists who qualify and pass their licensing exam. With or without a license, drone pilots must generally abide by rules that:

* limit flying over people without prior consent,
* keep the drone under 400 feet,
* obey a 100 mph speed limit,
* keep a five-mile distance away from an airport,
* stay within the operator’s line of sight, and
* restrict flying to generally good weather.

Airspace is becoming more congested and regulated. As of 2020, the FAA began requiring regular aircraft in controlled airspace (generally above 500 feet or near airports) to install a passive transmitter that broadcasts its location and speed to all nearby aircraft.

The FAA took a similar tact with drones recently. The Remote ID rule is now in effect for manufacturers. Drone owners are required to comply by September of 2023.

Presumably, with Remote ID all drones will be traceable. Just as automobile license plates ID the vehicle owner, drones should have an ID broadcast which can be picked up. This presumably will pave the way for tightly controlled airspace below 500 feet. Theoretically, it can be filled with drone traffic.

**Basic Wisconsin Rules**

The state prohibits using a drone as a weapon, damaging property, invading privacy, or operating over prohibited areas. Drones may not be operated over any state parks or correctional facilities other than by permission or special exception.

Localities can prohibit or limit drone use on the property, including local parks, city buildings, stadiums, or certain special events. However, localities cannot make rules about the ownership or operation of drones.

Homeowners can restrict drones from use on or over their property that photograph or invade privacy. The police and sheriff's departments enforce such matters.

**Reporting Drone Misuse**

Drones may not be operated recklessly or low enough to interfere with existing uses by the owner. If a drone is invading someone’s privacy – such as landing in a neighbor's fenced-in backyard – it may be in violation of the state law. Reach out first to your local police and county sheriff's departments.

A person may also contact the FAA regarding the misuse of drones by remote pilots. The FAA has two offices covering Wisconsin: one in Milwaukee, which covers most of the state, and one in Minneapolis, covering a small portion of northwest Wisconsin.

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