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ACADEMY OF MODEL AERONAUTICS

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**FAA RULE: REGISTRATION
AND MARKING
REQUIREMENTS FOR SMALL
UNMANNED AIRCRAFT
UPDATE**

2012 FAA Modernization and Reform Act

- The Academy of Model Aeronautics has a long and successful history in advocating for the flying privileges of the aeromodeling community. It is one of the top reasons why modelers join the AMA and renew their membership year after year. In 2012, Congress passed the FAA Modernization and Reform Act intended to prevent model aviation from overreaching and burdensome regulation, within section 333-336.

FAA Rule: Registration and Marking Requirements for Small Unmanned Aircraft (part 48) Summary

- Must register unmanned aircraft if take-off weight is between 0.55 lbs and 55 lbs
 - Any aircraft flown by a human under radio control
 - Line control and free flight aircraft are exempt
- Must register before February 19, 2016 or prior to first operation of sUAS
- Must register with web-based system
- 13 years and older must register (otherwise parent/guardian registers aircraft)
- Registration is done once for entire fleet
- \$5 registration/renewal fee every three (3) years – Fee was refunded if done prior to January 21, 2016
- Several forum posts from people who have yet to see their refund
- Registration number must be visible on each aircraft without the use of tools
- Fine up to \$27,500 for non-compliance

FAA Authority

- The FAA claims its authority to create such a rule comes from:
 - Title 49 of the United States Code
 - Subtitle I, Section 106(f): establishes the authority of the Administrator to promulgate regulations and rules
 - Subtitle VII, Section 44701(a)(5): requires the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security
 - Subtitle VII, Sections 44101-44106 and 44110-44113: requires aircraft to be registered as a condition of operation and establish the requirements for registration and registration process
 - Definition of “aircraft”
 - 49 U.S.C. 40102(a)(6): “aircraft” means any contrivance invented, used, or designed to navigate, or fly in the air.
 - Small unmanned aircraft meets the definition of aircraft

Issues With Rule

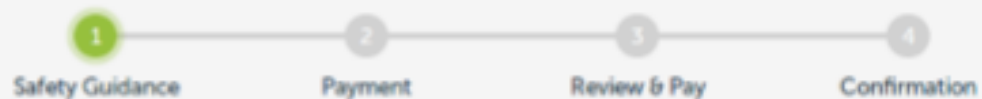
- FAA cites Public Law 112-95 stating Congress confirmed unmanned aircraft meet the definition of aircraft (sections 331(8) and 336)
- FAA cites Administrator v. Pirker affirming the same
 - Left out the judge's decisional order
 - “It is concluded that, as Complainant: has not issued an enforceable FAR regulatory rule governing model aircraft operation; has historically exempted model aircraft from the statutory FAR definitions of 'aircraft' by relegating model aircraft operations to voluntary compliance with the guidance expressed in AC91-57...”
- Violates Public Law 112-95 Section 336 (Special Rule For Model Aircraft)

Issues With Rule

- **FAA**
 - “While section 336 bars the FAA from promulgating new rules or regulations that apply only to model aircraft, the prohibition against future rulemaking is not a complete bar on rulemaking and does not exempt model aircraft from complying with existing statutory and regulatory requirements.”
- **Public Law**
 - “Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this subtitle, the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding a model aircraft, or an aircraft being developed as a model aircraft, if...”

SEC. 336. SPECIAL RULE FOR MODEL AIRCRAFT.

- (a) **IN GENERAL.**—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this subtitle, the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding a model aircraft, or an aircraft being developed as a model aircraft, if—
 - (1) the aircraft is flown strictly for hobby or recreational use;
 - (2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
 - (3) the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
 - (4) the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and
 - (5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation).
- (b) **STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system.
 - (c) **MODEL AIRCRAFT DEFINED.**—In this section, the term “model aircraft” means an unmanned aircraft that is—
 - (1) capable of sustained flight in the atmosphere;
 - (2) flown within visual line of sight of the person operating the aircraft; and
 - (3) flown for hobby or recreational purposes.



Acknowledgement of Safety Guidance

- I will fly below 400 feet
- I will fly within visual line of sight
- I will be aware of FAA airspace requirements: www.faa.gov/go/uastfr
- I will not fly directly over people
- I will not fly over stadiums and sports events
- I will not fly near emergency response efforts such as fires
- I will not fly near aircraft, especially near airports
- I will not fly under the influence

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I have read, understand and intend to follow the safety guidance.

You must acknowledge the safety guidance in order to continue the registration process.

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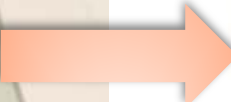
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Issues With Rule

- Web-based registration form further violates PL 112-95 Section 336
 - “...the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding a model aircraft, or an aircraft being developed as a model aircraft, if
 - ... (2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization (CBO); ...”

Academy of Model Aeronautics National Model Aircraft Safety Code

Effective January 1, 2014

- A. **GENERAL:** A model aircraft is a non-human-carrying aircraft capable of sustained flight in the atmosphere. It may not exceed limitations of this code and is intended exclusively for sport, recreation, education and/or competition. All model flights must be conducted in accordance with this safety code and any additional rules specific to the flying site.
1. Model aircraft will not be flown:
 - (a) In a careless or reckless manner.
 - (b) At a location where model aircraft activities are prohibited.
 2. Model aircraft pilots will:
 - (a) Yield the right of way to all human-carrying aircraft.
 - (b) See and avoid all aircraft and a spotter must be used when appropriate. (AMA Document #540-D.)
 - (c) Not fly higher than approximately 400 feet above ground level within three (3) miles of an airport without notifying the airport operator.
 - (d) Not interfere with operations and traffic patterns at any airport, heliport or seaplane base except where there is a mixed use agreement.
 - (e) Not exceed a takeoff weight, including fuel, of 55 pounds unless in compliance with the AMA Large Model Airplane program. (AMA Document 520-A.)
 - (f) Ensure the aircraft is identified with the name and address or AMA number of the owner on the inside or affixed to the outside of the model aircraft. (This does not apply to model aircraft flown indoors.)
 - (g) Not operate aircraft with metal-blade propellers or with gaseous boosts except for helicopters operated under the provisions of AMA Document #555.
 - (h) Not operate model aircraft while under the influence of alcohol or while using any drug that could adversely affect the pilot's ability to safely control the model.
 - (i) Not operate model aircraft carrying pyrotechnic devices that explode or burn, or any device which propels a projectile or drops any object that creates a hazard to persons or property.
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Issues With Rule

- UAS registration violates privacy
 - Section VII(K) states “...all information in the database will be available to law enforcement...” (para. 24) and “...the general public will be able to search the part 48 registry database by the unique identifier...” (para. 25) revealing the associated name and address.

AMA Action Plan

- Challenge Ruling:
 - Challenging the FAA definition of “aircraft” that was filed in 2014 – Working with FAA to exclude AMA members from the registration
 - Requesting members to not register until January 19, 2016 at the latest
 - Requested members to comment on the rule before January 16, 2016
- Last week all executive officers of AMA went to Washington to meet
 - US Congressman and Senators
 - Support of section 336 and to continue support
 - Update existing law to make it clearer that FAA does not have the right to apply regulations to the model aircraft industry
 - Trying to get congress to rule that AMA is a community based organization (CBO), thus exempting up from regulations
 - FAA officials
 - To express our recommendations and get selected as a CBO
 - Ways to streamline registration to AMA members
- Filed law suit on FAA rights to regulate the AMA based on section 336

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FAA Sued In Federal Court Over Drone Registration Rules

**John Goglia**, CONTRIBUTOR

I write about the airline industry and aviation safety.

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FULL BIO ▾

In a move that may give hope to many model aircraft flyers, the validity of the FAA's new drone registry is under challenge in federal court. The hope for these hobby flyers is that if the challenge is successful, they – including children as young as 13 – won't have to file their names and home addresses in a public database. Many hobby flyers have held off on registering their drones, concerned about the [public availability](#) of their information.

The lawsuit challenging the FAA registry was filed in the Court of Appeals for the District of Columbia on December 24 by a model aircraft enthusiast concerned that the registration rules were illegal. That individual is John A. Taylor, a multi-rotor builder and flyer living in Silver Spring, Maryland. An insurance attorney, Mr. Taylor is representing himself. He started flying model aircraft approximately one year ago and has become passionate about the hobby. He expected other hobby groups or drone manufacturers to file suit against the registration rules but when they didn't, he decided to step up himself. Although he plainly admits that he has no aviation or administrative law experience, as a long-time litigator, he says he's up to the challenge.

Mr. Taylor is requesting that the court "issue an order declaring that the [FAA's registration rule] is void" and prohibited by Section 336 of the FAA Modernization and Reform Act of 2012. He alleges that that section specifically prohibits the FAA from promulgating any new rules or regulations regarding model aircraft if they're flown for hobby or recreational purposes.

Somewhat surprisingly, the legal challenge does not come – as many hobbyists expected – from the Academy of Model Aeronautics. The AMA – which represents over 180,000 model aircraft enthusiasts – has asked its members to hold off on registering their drones until the legal deadline of February 19 for drones owned before December 21, 2015. (Those bought on or after that date must be registered before operation.) The registration requirement applies to drones weighing .5 to 55 pounds. The AMA has stated that it believes the FAA's new registration rule violates Section 336.

Marking Your Aircrafts

- All aircraft flown at an AMA charter site must be marked with:
 - Pilots Name
 - AMA Number
 - FAA registration number
- You may use any method to affix the number, such as permanent marker, label, engraving, or other means, as long as the number is readily accessible and maintained in a condition that is readable and legible upon close visual inspection. The registration number may be placed in a battery compartment as long as it can be accessed without the use of tools.

Information Sites

- FAA FAQ site
 - <https://www.faa.gov/uas/registration/faqs/#mou>
- AMA Government Info Site
 - <http://www.modelaircraft.org/aboutama/gov.aspx>
 - This site is updated almost daily

Questions?

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