

visual line of sight operations with the use of acoustics, ground based radar, automatic dependent surveillance–broadcast, and other technological solutions.

(3) TREATMENT OF MITIGATION MEASURES.—To the extent that an operation under this section will be conducted exclusively within the airspace of a Mode C Veil, such operation shall be treated as satisfying the requirements of section 91.113(b) of title 14, Code of Federal Regulations, if the operation employs—

(A) automatic dependent surveillance–broadcast in-based detect and avoid capabilities;

(B) air traffic control communication and coordination;

(C) aeronautical information management systems acceptable to the Administrator, such as notices to air missions, to notify other airspace users of such operations; or

(D) any other risk mitigations as set by the Administrator.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) provide an unmanned aircraft operating pursuant to this section the right of way over a manned aircraft; or

(B) limit the authority of the Administrator to impose requirements, conditions, or limitations on operations conducted under this section in order to address safety concerns.

(d) SUNSET.—The authority under this section for the Secretary to determine if certain unmanned aircraft systems may operate safely in the national airspace system terminates effective September 30, 2033.

(e) AUTHORITY.—The Administrator may exercise the authorities described in this section, including waiving applicable parts of title 14, Code of Federal Regulations, without initiating a rulemaking or imposing the requirements of part 11 of title 14, Code of Federal Regulations, to the extent consistent with aviation safety.

(Added Pub. L. 115–254, div. B, title III, §347(a), Oct. 5, 2018, 132 Stat. 3296; amended Pub. L. 118–15, div. B, title II, §2202(c), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(c), Dec. 26, 2023, 137 Stat. 1113; Pub. L. 118–41, title I, §102(c), Mar. 8, 2024, 138 Stat. 21; Pub. L. 118–63, title IX, §927(a), (b), May 16, 2024, 138 Stat. 1362.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 333 of Pub. L. 112–95, which was set out in a note under section 40101 of this title, prior to repeal by Pub. L. 115–254, div. B, title III, §347(b)(2), Oct. 5, 2018, 132 Stat. 3296. The remainder of the note comprised of subtitle B of title III of Pub. L. 112–95 was transferred and is set out under section 44802 of this title.

AMENDMENTS

2024—Subsec. (a). Pub. L. 118–63, §927(b)(1), inserted “or chapter 447” after “Notwithstanding any other requirement of this chapter” and substituted “the Administrator of the Federal Aviation Administration” for “the Secretary of Transportation” and “how” for “if certain”.

Subsec. (b). Pub. L. 118–63, §927(b)(2)(A), substituted “Administrator” for “Secretary” in introductory provisions.

Subsec. (b)(1). Pub. L. 118–63, §927(b)(2)(B), substituted “how such” for “which types of”.

Subsec. (c). Pub. L. 118–63, §927(b)(3), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system, including operation related to research, development, and testing of proprietary systems.”

Subsec. (d). Pub. L. 118–63, §927(a), substituted “September 30, 2033” for “May 10, 2024”.

Pub. L. 118–41 substituted “May 10, 2024” for “March 8, 2024”.

Subsec. (e). Pub. L. 118–63, §927(b)(4), added subsec. (e).

2023—Subsec. (d). Pub. L. 118–34 substituted “March 8, 2024” for “December 31, 2023”.

Pub. L. 118–15 substituted “December 31, 2023” for “September 30, 2023”.

Statutory Notes and Related Subsidiaries

CLARIFICATION OF STATUS OF PREVIOUSLY ISSUED RULEMAKINGS AND EXEMPTIONS

Pub. L. 118–63, title IX, §927(c), May 16, 2024, 138 Stat. 1363, provided that:

“(1) RULEMAKINGS.—Any rule issued pursuant to section 44807 of title 49, United States Code, shall continue to be in effect following the expiration of such authority.

“(2) EXEMPTIONS.—Any exemption granted under the authority described in section 44807 of title 49, United States Code, and in effect as of the expiration of such authority, shall continue to be in effect until the date that is 3 years after the date of termination described in such exemption, provided the Administrator [of the Federal Aviation Administration] does not determine there is a safety risk.

“(3) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to interfere with the Administrator’s—

“(A) authority to rescind or amend an exemption for reasons such as unsafe conditions or operator oversight; or

“(B) ability to grant an exemption based on a determination made pursuant to section 44807 of title 49, United States Code, prior to the date described in subsection (d) of such section.”

§ 44808. Carriage of property by small unmanned aircraft systems for compensation or hire

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018, the Administrator of the Federal Aviation Administration shall update existing regulations to authorize the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the United States.

(b) CONTENTS.—Any rulemaking conducted under subsection (a) shall provide for the following:

(1) Use performance-based requirements.

(2) Consider varying levels of risk to other aircraft and to persons and property on the ground posed by different unmanned aircraft systems and their operation and tailor performance-based requirements to appropriately mitigate risk.

(3) Consider the unique characteristics of highly automated, small unmanned aircraft systems.

(4) Include requirements for the safe operation of small unmanned aircraft systems that, at a minimum, address—

(A) airworthiness of small unmanned aircraft systems;

(B) qualifications for operators and the type and nature of the operations;

(C) operating specifications governing the type and nature of the unmanned aircraft system air carrier operations; and

(D) the views of State, local, and tribal officials related to potential impacts of the carriage of property by operators of small unmanned aircraft systems for compensation or hire within the communities to be served.

(5) **SMALL UAS.**—The Secretary may amend part 298 of title 14, Code of Federal Regulations, to update existing regulations to establish economic authority for the carriage of property by small unmanned aircraft systems for compensation or hire. Such authority shall only require—

(A) registration with the Department of Transportation;

(B) authorization from the Federal Aviation Administration to conduct operations; and

(C) compliance with chapters 401, 411, and 417.

(6) **AVAILABILITY OF CURRENT CERTIFICATION PROCESSES.**—Pending completion of the rule-making required in subsection (a) of this section, a person may seek an air carrier operating certificate and certificate of public convenience and necessity, or an exemption from such certificate, using existing processes.

(Added Pub. L. 115-254, div. B, title III, §348(a), Oct. 5, 2018, 132 Stat. 3297.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the FAA Reauthorization Act of 2018, referred to in subsec. (a), is the date of enactment of Pub. L. 115-254, which was approved Oct. 5, 2018.

§ 44809. Exception for limited recreational operations of unmanned aircraft

(a) **IN GENERAL.**—Except as provided in subsection (e), and notwithstanding chapter 447 of title 49, United States Code, a person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration if the operation adheres to all of the following limitations:

(1) The aircraft is flown strictly for recreational purposes.

(2) The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the Federal Aviation Administration.

(3) The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.

(4) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

(5) In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the Administrator or designee before operating and complies with all airspace restrictions and prohibitions.

(6) Except for circumstances when the Administrator establishes alternative altitude ceilings or as otherwise authorized in section (c), in Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace and flight restrictions and prohibitions established under this subtitle, such as special use airspace designations and temporary flight restrictions.

(7) The operator has passed an aeronautical knowledge and safety test described in subsection (g) and maintains proof of test passage to be made available to the Administrator or law enforcement upon request.

(8) The aircraft is registered and marked in accordance with chapter 441 of this title and proof of registration is made available to the Administrator or a designee of the Administrator or law enforcement upon request.

(b) **OTHER OPERATIONS.**—Unmanned aircraft operations that do not conform to the limitations in subsection (a) must comply with all statutes and regulations generally applicable to unmanned aircraft and unmanned aircraft systems.

(c) **OPERATIONS AT FIXED SITES.**—

(1) **IN GENERAL.**—The Administrator shall establish a process to approve, and publicly disseminate the location of, fixed sites at which a person may carry out recreational unmanned aircraft system operations.

(2) **OPERATING PROCEDURES.**—

(A) **CONTROLLED AIRSPACE.**—Persons operating unmanned aircraft under paragraph (1) from a fixed site within Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, or a community-based organization sponsoring operations within such airspace, shall make the location of the fixed site known to the Administrator and shall establish a mutually agreed upon operating procedure with the air traffic control facility.

(B) **ALTITUDE.**—The Administrator, in coordination with community-based organizations sponsoring operations at fixed sites, shall develop a process to approve requests for recreational unmanned aircraft systems operations at fixed sites that exceed the maximum altitude contained in a UAS Facility Map published by the Federal Aviation Administration.

(C) **UNCONTROLLED AIRSPACE.**—Subject to compliance with all airspace and flight restrictions and prohibitions established under this subtitle, including special use airspace designations and temporary flight restrictions, persons operating unmanned aircraft systems from a fixed site designated under the process described in paragraph (1) may operate within Class G airspace—