



Unmanned Aerial Systems: How Colorado Can Safely Lead the Way

Drones Mean Big Business for Colorado

In recent years, Unmanned Aircraft Systems (UAS), or drones as they are commonly known, have become more prevalent in day-to-day life. Once largely limited to government and military applications, drones are becoming common tools for a variety of businesses, law enforcement agencies, and other public entities. The general public's interest in drones for hobby and recreational purposes is also soaring. In 2016, the Consumer Technology Association expected a 115% increase in drone sales with revenue topping \$950 million on 2.9 million units.¹ The total economic impact of UAS integration in Colorado has been projected to be \$171 million by 2025.² As the uses for and popularity of drones has grown, so too have concerns about safety, privacy, and property rights. Protecting Colorado citizens is the General Assembly's first priority and, as you'll see, existing Colorado law addresses concerns related to drones.

Excessive Regulation May Ground Colorado's UAS Industry

Last year, two pieces of legislation were introduced to regulate certain aspects of drone operations in Colorado. As originally introduced, one of the bills would have regulated drone use by a law enforcement agency,³ while the other would have created a private, civil right of action for misuse of a drone.⁴ While the legislature's concern is understandable, it is both premature and unnecessary to place burdens on the nascent and evolving Colorado UAS industry above and beyond applicable federal regulations and existing Colorado laws. At the federal level, there are already laws, regulations, advisory circulars, orders, policies, guidance documents, and standardized forms that ensure safe UAS operations for recreational, commercial, and public/governmental purposes. The FAA also recently released guidance for state and local governments regarding the importance of uniform, national regulation of airspace and aviation safety, and the potential for conflicts between federal and state authorities in this regard.⁵ At the state level, Colorado has existing laws that protect Colorado citizens' privacy and property rights regardless of the technology involved.

¹ <https://www.cta.tech/Research/Products-Services/Consumer-Sales-Forecast.aspx>

² *The Economic Impact of Unmanned Aircraft Systems Integration in the United States*, Association for Unmanned Vehicle Systems International (March 2013), p.24.

³ SB15-059

⁴ HB15-1115

⁵ <https://www.faa.gov/news/updates/?newsId=84369>



Current Law Provides Reasonable Remedies For Any Potential Misuse

A vibrant UAS industry has the potential to bring jobs and help grow Colorado's economy. As with any industry, regulations must find a common-sense balance between enabling industry growth and addressing relevant public concerns. It is understandable that the General Assembly would consider legislation to ensure that citizens have adequate legal protections and remedies with respect to UAS operations. However, current Colorado law already addresses these concerns:

- Civil: Invasion of Privacy, Publication of Private Facts, Trespass, Nuisance
- Criminal: Invasion of Privacy for Sexual Gratification, Criminal Invasion of Privacy, Criminal Mischief, Criminal Trespass

Colorado law currently has adequate means to regulate conduct, while allowing the development and growth of new technologies.

In sum, Colorado has an opportunity to be a leader in the growing UAS industry. Responsible UAS operations in Colorado means businesses can lower costs or expand their operations, law enforcement agencies have a new tool to protect citizens, and consumers have an exciting product for work and play. No one wants to see drones used for improper purposes and, should current laws prove inadequate, these laws should be changed to ensure citizens' rights are protected. However, it is premature to conclude that existing laws are inadequate and new laws are needed to specifically regulate drones in Colorado.

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