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Newsroom

Logan on Drone Law

The proliferation of drones presents a range of novel liability questions that lawyers and judges haven't had to grapple with since the advent of the automobile.

From Rhode Island Lawyers Weekly: [“Liability, insurance issues abound as drone use soars: limits of tort law to be tested by new technology”](#) by Pat Murphy



November 4, 2015: The proliferation of drones may well present a range of novel liability questions that lawyers and judges haven't had to answer since the automobile began populating the nation's roadways in the 1920s and '30s. [...]

The statistics bear out the impression that the friendly skies are not as safe as they once were. According to the Federal Aviation Administration, complaints of unsafe drone flights have risen from 238 in 2014 to 969 in 2015 thus far. And that's only the tip of the iceberg.

“Already, they say that there are 1 million drones in the air in the United States, and they expect that number to double next year, so there'll be a drone coming to a yard near you,” says **David A. Logan, a professor at Roger Williams University School of Law in Bristol.**

“We'll know much more about the rights and liabilities of drone owners 10 years from now, but in the meantime, the challenge for lawyers and judges is how to adapt old law to new technologies,” he says.

“For the inspection of anything high in the air, it's just so much easier with these 4k cameras that it's better than having a human doing it,” he says.

[...] Logan sees the simplest tort involving drones as being an intentional tort of assault and battery when someone uses the device as a projectile. But he admits that drone operators are far more likely to be sued for trespass or negligence.

Logan adds that if it can be proven that there was an intent to fly low over the plaintiff's property, then it's an intentional tort for which punitive damages are recoverable. Drone operators also could find themselves liable for vexatious flying.

"That may not be technically a trespass, but it might be intentional infliction of emotional distress," he says. "I can imagine the vexatious neighbor being one who flies his drone over the neighbor's backyard every day of the summer."

For a nuisance claim, Logan says, a plaintiff would have to show some diminution in value of the experience of living on that land caused by repeated behavior.

"Certainly one or two overflights would not be a nuisance," he says. [...]