

Brief History of the Recreational Drone Laws:

For decades and decades model aircraft were flown with very little restrictions.

The earliest document the FAA published regarding model aircraft flying was [Advisory Circular 91-57](#) which was published in 1981. In February 2007, the FAA [published their policy statement](#) indicating that AC 91-57 only applies to modelers and companies and people flying commercial cannot fly under it.

In February 2012, the [FAA Modernization and Reform Act of 2012](#) was passed which created Section 336 which prohibited the FAA from creating any new regulation governing model aircraft that fell into the criteria of Section 336. In June 2014, the FAA [published there interpretation on Section 336](#) which further refined the model aircraft and non-model aircraft distinction by saying, “the aircraft would need to be operated purely for recreational or hobby purposes” and seem to start applying already existing manned aircraft regulations to model aircraft (the FAA thought that Section 336 prohibited creating new regulations to model aircraft, not applying already existing regulations that predated Section 336 to model aircraft). In August 2014, multiple lawsuits challenged this interpretation one of which was [filed by the Academy of Model Aeronautics](#).

Advisory Circular 91-57 was updated to [AC 91-57A](#) on September 2, 2015 which created more restrictions and also stealthy included a prohibition on flying in special flight rule areas (one of which was the Washington D.C. Special Flight Rules Area). This was challenged by one of the three [Taylor v. FAA lawsuits](#).

In December 2015, the FAA [illegally created the Part 48 regulations](#) which applied to the Section 336 protected model aircraft. These regulations were challenged in 1 of the [Taylor v. FAA](#) lawsuits. The D.C. Circuit Court of Appeals struck down the Part 48 regulations as illegal in May 2017 but in December 2017,

Congress in the [National Defense Authorization Act of 2017](#) overturned the court's ruling.

May 4, 2016, the FAA published their [interpretation allowing for the education use of unmanned aircraft](#) under 336. In July 2016, [Congress passed the FAA Extension Safety, and Security Act of 2016 which](#) criminalized unmanned aircraft flights near wildfires August 2016, the FAA [published Part 101 Subpart E regulations](#) for model aircraft flyers which was basically a copy-paste job of the previous Section 336 from the FAA Modernization and Reform Act of 2012. In October 2018, Congress passed the FAA Reauthorization Act of 2018 which did away with Section 336 and added many more restrictions to model aircraft flyers.

In April 2019, the FAA [published an official withdrawal](#) of their 2014 model aircraft interpretation. May 17, 2019, the FAA will start implementing Section 349 and 350 of the FAA Reauthorization Act of 2018.

Because of the changes from the 2018 FAA Reauthorization, Part 101's Subpart E model aircraft regulations have been superseded. **A giant reset button has been pressed for model aircraft flyers laws.**

Note: If you are drone manufacturer, the notification of the recreational drone laws as required by 49 USC Section 40101 will have to be updated since the FAA Reauthorization of 2018 changed things.