

REAL ESTATE MATTERS

Concerns Pertaining to Drones

Agents are now using drones to take video and photographs for purposes of marketing properties. However, the use of drones is creating potential liability for brokerages.

Liability relating to drones arises out of the following:

1. Potential claims for invasion of privacy;
2. Bodily injury or property damage affiliated with uncontrolled drones;
3. Cyberliability and hacking issues; and
4. Trespassing.

Invasion of privacy claims have been asserted based on property owners claiming that drones were intruding on their privacy and their property. It is important that agents using drones ensure that they have a release of liability from their clients. It is also important that agents ensure that drones are not intruding on neighbors' properties. Agents may want to consider using drones for rural properties, but not urban properties.

Claims have also arisen relating to bodily injury and property damage. Operators of drones may lose control of the drones. Issues have arisen that drones have hit people or property. It is important that agents use reputable drone companies who are properly insured.

Issues have further arisen relating to cyber-liability and hacking pertaining to drones. Drones can be used to collect information and serve as mobile delivery services. Drones are also used to collect substantive information, which could be used for software users seeking to steal data. Such activities can create the theft of important information including trespass.

The use of drones could also be considered a trespass against neighboring properties.

Agents need to be cautious in their utilization of drones and selection of drone providers.

CRELA is an alliance between the Shannon B. Jones Law Group, Inc. and Spile, Leff & Goor, LLP to provide the most current information and resources to the real estate industry. For more information, please visit our website at www.crela-law.com. If you are interested in a membership, please email us at crela@crela-law.com.



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