

Drones, Maps, and the First Amendment: A Pending SCOTUS Petition Could Reshape Land Surveyor Licensing

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A recent petition for rehearing to the US Supreme Court (SCOTUS) in a matter involving the validity of state licensing statutes under the First Amendment has the potential to allow unlicensed drone operators to render certain land surveying services that traditionally require a license. On April 20, 2026, the SCOTUS denied certiorari to hear *360 Virtual Drone Services LLC v. Ritter*, 102 F.4th 263 (2024), a case from the US Fourth Circuit Court of Appeals which focuses on a First Amendment challenge to North Carolina's land surveyor licensing statute. The same day, SCOTUS also denied certiorari in a similar case decided by the US Ninth Circuit Court of Appeals, *Crownholm v. Moore*, No. 23-15138, 2024 WL 1635566 (9th Cir. Apr. 16, 2024), which focused on the use of publicly available images (such as satellite imagery) in land surveying.

In *Ritter*, plaintiffs/appellants are business owners who used drones to generate aerial images and maps of land owned by their clients. The drone operators brought suit against the North Carolina Board of Examiners for Engineers and Surveyors (Board) after being cited for providing maps and images with measurable data without a surveyor license. The drone operators argued that the board's action unconstitutionally burdened their free speech rights under the First Amendment by preventing them from engaging in the full range of mapping activities. The USDC for the Eastern District of North Carolina granted summary judgment for the Board and the drone operators appealed. The Fourth Circuit affirmed the trial court's decision, holding that North Carolina's licensing statute was a permissible regulation of the land surveying profession because the licensing statute only "incidentally" affected plaintiffs/appellants' speech.

The drone operators' petition for rehearing, filed on May 15, 2026, relies heavily on the SCOTUS' recent decision in *Chiles v. Salazar*, 146 S. Ct. 1010 (2026), where the SCOTUS considered a First Amendment challenge to a Colorado statute that regulated the speech of professional counselors engaging in talk therapy with minors about their sexual orientation and gender identity. In *Chiles*, the SCOTUS struck down the statute, holding that it violated the free speech rights of counselors and therapists because it allowed them to express certain viewpoints to their patients, but not others. The drone operators in *Ritter* argue that North Carolina's licensing statute is similar to the statute struck down in *Chiles* because it regulates not just what they do, but what they are allowed to say and show to customers. In its decision, the SCOTUS provided dicta specifically addressing licensing requirements for professionals. Specifically, the SCOTUS stated that whatever interest States have in requiring professionals to hold certain qualifications is not enough to require professionals to express a particular viewpoint.

The SCOTUS' initial denial of certiorari in *Ritter* in April 2026 is illustrative of its hesitancy to subject state licensing statutes to First Amendment scrutiny. While the pending petition for rehearing in *Ritter* has the potential to change that, users of drones and other similar technologies who provide aerial images of land with measurable data should still ensure they have met the applicable licensing requirements for land surveyors in their respective states. This is particularly true for those states with licensing statutes similar to North Carolina, such as Massachusetts.

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