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Author: Prof. Frans von der Dunk  
University of Nebraska-Lincoln, The Netherlands, fvonderdunk2@unl.edu

FEDERAL VERSUS STATE: PRIVATE COMMERCIAL SPACEFLIGHT OPERATOR IMMUNITY  
REGULATION IN THE UNITED STATES

**Abstract**

The 2004 Commercial Space Launch Amendments Act provided the first national statute dedicated to private commercial spaceflight, further elaborated by a Chapter in the Code of Federal Regulations. A major element of that regulation concerns the ‘informed consent’ requirement, which constitutes the main condition upon which a private commercial spaceflight operator is allowed to fly paying passengers into the edge of outer space and back. The requirement as such does not automatically equate with a statutory waiver of passenger liability, which was a major reason for a handful of individual US states to add by way of statutes such immunity from liability in order to attract private commercial spaceflight operators. Notably, this concerns so far Virginia, Texas, California, Florida, New Mexico and Colorado. The present paper summarizes and compares the key provisions of the federal and state statutes on this key issue of (lack of) contractual liability, and addresses some of the issues possibly following from the divergences which inevitably exist between these statutes.