

Senate Bill 71

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Imposes restrictions on use of drones by private parties and public entities. Creates various crimes for unauthorized use of drones. Punishes by maximum of 20 years' imprisonment, \$375,000 fine, or both.

Directs Department of State Police to establish registry of certain drones used by public bodies.

Permits Oregon Department of Aviation to issue licenses for use of drones.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to drones; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 7 of this 2013 Act:**

5 (1) **"Airspace of Oregon" means the space above the ground that is not part of airspace**
6 **governed by federal law.**

7 (2) **"Drone" means an unmanned flying machine that is capable of:**

8 (a) **Capturing images of objects or people on the ground or in the air;**

9 (b) **Intercepting communications on the ground or in the air; or**

10 (c) **Firing a bullet or other projectile.**

11 (3) **"Public body" has the meaning given in ORS 174.109.**

12 **SECTION 2. (1) A person may not possess or control a drone unless permitted to do so**
13 **by the federal government or by the Oregon Department of Aviation under section 7 of this**
14 **2013 Act.**

15 (2) **A person who possesses or controls a drone in violation of subsection (1) of this sec-**
16 **tion commits a Class B misdemeanor.**

17 (3) **A person who possesses or controls a drone in violation of subsection (1) of this sec-**
18 **tion and uses the drone to capture an image of a person or object on the ground or in the**
19 **air commits a Class A misdemeanor.**

20 (4) **A person who possesses or controls a drone in violation of subsection (1) of this sec-**
21 **tion and uses the drone to fire a bullet or other projectile commits a Class C felony.**

22 (5) **A person who possesses or controls a drone for the purpose of hunting or stalking**
23 **game commits a Class C felony.**

24 (6) **A person who possesses or controls a drone and causes the drone to fire a bullet or**
25 **other projectile at an aircraft while the aircraft is in the air, or intentionally causes or at-**
26 **tempts to cause the drone to crash into an aircraft while the aircraft is in the air, commits**
27 **a Class A felony.**

28 (7) **A person who gains unauthorized control over a drone commits a Class A**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 misdemeanor.

2 **SECTION 3.** (1) A person who operates a drone in the airspace of Oregon without per-
3 mission from the Oregon Department of Aviation, or from the person with the right to pos-
4 session of the land below the airspace, is guilty of a Class C misdemeanor.

5 (2) It is not a defense to a charge of violating this section that the land below the air-
6 space was not marked with a no-trespassing sign or similar notice.

7 **SECTION 4.** (1) A public body may not operate a drone in the airspace of Oregon without
8 registering the drone with the Department of State Police.

9 (2) The department may impose a civil penalty of up to \$10,000 against a public body that
10 violates subsection (1) of this section. Any penalty collected under this subsection shall be
11 deposited in the Criminal Injuries Compensation Account.

12 (3) Evidence obtained by a public body through the use of an drone in violation of sub-
13 section (1) of this section is not admissible in any judicial or administrative proceeding, and
14 may not be used to establish reasonable suspicion or probable cause to believe that an of-
15 fense has been committed.

16 (4) The department shall establish a registry of drones operated by public bodies, and
17 may charge a fee sufficient to reimburse the department for the maintenance of the registry.

18 (5) The department shall require the following information for registration of a drone:

19 (a) The name of the public body that owns or operates the drone.

20 (b) The name and contact information of the individuals operating the drone.

21 (c) Identifying information for the drone as required by the department by rule.

22 **SECTION 5.** (1) Any person or public body that owns or exercises control over a drone
23 in Oregon that causes injury to person or property is strictly liable for the injury.

24 (2) Any person who suffers injury to person or property caused by a drone operated in
25 violation of section 2, 3 or 4 of this 2013 Act is entitled to damages from the person or public
26 body that committed the violation of not less than \$5,000 and an award of reasonable attor-
27 ney fees.

28 **SECTION 6.** In addition to any other remedies allowed by law, a person who gains unau-
29 thorized control over a drone is liable to the owner of the drone in an amount of not less
30 than \$5,000. The court shall award reasonable attorney fees to a prevailing plaintiff in an
31 action under this section.

32 **SECTION 7.** The Oregon Department of Aviation may issue licenses to persons to operate
33 drones in the airspace of Oregon for the purpose of implementing section 2 of this 2013 Act.

34 **SECTION 8.** This 2013 Act being necessary for the immediate preservation of the public
35 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
36 on its passage.