



**To the Oregon State Senate Judiciary Committee
in regards to Oregon Senate Bill 71-4
Delivered May 20, 2013**

Thank you for this opportunity to express our thoughts and concerns regarding this proposal. Before responding to several of the specific provisions within the amended bill, we would like to acknowledge the assurance given us by Senator Floyd Prozanski that **an additional amendment will be made to exempt all radio-controlled hobby aircraft not used for a criminal purpose from the provisions of this measure.**

This one additional inclusion will address many of the concerns that were foremost in our minds when we stepped forward to oppose this legislation. We appreciate the responsiveness that we have seen so far with regards to amending this measure, and hope that it will continue as the process moves forward.

Much of our remaining concerns center around the impact that this bill could have on the development of the Unmanned Aircraft System (UAS) industry in Oregon. We believe that these concerns can be ameliorated by **treating "drones" in a manner which is legally consistent with manned aircraft** with regards to all of the issues addressed by this bill, including liability. Our concern is that to do otherwise would have a chilling effect on the development of what we believe will be a major industry in decades to come — an industry that Oregon has the potential to lead.

Here is one specific example: **Section 2** outlines a number of activities already defined as criminal behavior in Oregon Revised Statutes — such as invading personal property, electronic eavesdropping, stalking and criminal trespassing — but upgrades these crimes from "A" Misdemeanors to "C" Felonies if they are committed by means of a drone. In other words, if I use my drone to capture a photograph of my female neighbor sunbathing topless it is somehow a more serious offense than if I commit the same act while flying a Cessna 172.

This appears to be nothing more than **a reflexive response to the hypothesis that "drones are scary."** UAS, to give them their proper designation, are the same as any other instrument yet devised by humans. They can be used for either good or evil, but to demonize the technology itself will only serve to damage Oregon's standing in the ongoing nationwide competition to determine where this industry of the future will make its home.

With regards to **Section 4**, we are not expert in the conduct of law enforcement operations or the rules that govern them. However, in keeping with our overarching believe that UAS should be treated the same as manned aircraft, we would suggest that the rules that pertain to warrants, the retention of evidence, and so forth, should be the same. Our reasoning is that **UAS can operate at a tiny fraction of the cost of manned aircraft** and at a time when budgets are still stretched thin, these systems represent **a cost effective approach the simultaneously minimizes the risk to human life.**

Ensuring that **Section 7** does not apply to hobby model aircraft will be a source of huge relief to radio-controlled flying community, who saw dire consequences flowing from this provision. However, we believe that it should not be applied to any UAS, regardless of who is flying it, or why. There are several reasons that we feel this way:

- 1) **It is in everyone's best interest that UAS fly as low as possible while still accomplishing their mission**, in order to reduce the possibility of a conflict with manned aircraft. UAS operators who feel compelled to fly above 400 feet to avoid potential litigation will have less than 100-foot cushion separating them from the "floor" set for manned, fixed-wing aircraft by the Federal Aviation Administration.
- 2) Since the advent of aviation more than a century ago, **it has been a well-established precedent that landowners do not have control or authority over the airspace above their property.** Again, UAS should be treated like manned aircraft.

Finally, **we believe that any law adopted by the Oregon State Legislature should, as a broad philosophical position, restrict UAS as little as possible.** Our reasoning behind this position is that none of us know what new technology or potential uses will emerge for UAS in the next six months — let alone five or ten years from now.

It is entirely possible that a bill could be crafted today which would fully addressed the present concerns expressed by hobbyists, commercial operators, scientific researchers, the public safety community and every other constituency with an interest in this issue — and it would still effectively outlaw some as-yet unimagined application of these systems.

We believe that this technology has the potential to rival the Internet in terms of its benefit to society, but it is still in the very earliest stages of its development. **Imagine if lawmakers, eager to protect citizens from fraud, had made it illegal to conduct financial transactions via the Internet in 1992.** Looking back from where we are now, 20 years later, it is obvious the economic and social cost of that decision would have been incalculable.

Much as we have with the Internet, let us first discover the promise and the pitfalls of this new technology before we presume to regulate it.

Respectfully submitted,



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