

**PROPOSED AMENDMENTS TO
HOUSE BILL 2710**

1 On page 1 of the printed bill, delete lines 4 through 27 and delete page
2 2 and insert:

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

4 **“(1) ‘Drone’ means an unmanned flying machine. ‘Drone’ does not**
5 **include a model aircraft as defined in section 336 of the FAA Modern-**
6 **ization and Reform Act of 2012 (P.L. 112-95) as in effect on the effective**
7 **date of this 2013 Act.**

8 **“(2) ‘Public body’ has the meaning given that term in ORS 174.109.**

9 **“SECTION 2. (1) If a person violates ORS 163.700 through the use**
10 **of a drone, the person commits a Class C felony.**

11 **“(2) If a person violates ORS 165.540 through the use of a drone, the**
12 **person commits a Class C felony.**

13 **“(3) If a person takes a game mammal, as defined in ORS 496.004,**
14 **through the use of a drone, the person commits a Class C felony.**

15 **“(4) If a person violates ORS 163.732 through the use of a drone, the**
16 **person commits a Class C felony.**

17 **“(5) A person commits a Class A felony if the person possesses or**
18 **controls a drone and causes, or attempts to cause, the drone to:**

19 **“(a) Fire a bullet or other projectile at an aircraft while the aircraft**
20 **is in the air;**

21 **“(b) Direct a laser or other device emitting electromagnetic radi-**
22 **ation at an aircraft while the aircraft is in the air; or**

1 “(c) Crash into an aircraft while the aircraft is in the air.

2 “(6) A person who uses electronic communications to gain unau-
3 thorized control over a drone licensed by the Federal Aviation Ad-
4 ministration, or operated by the Armed Forces of the United States
5 as defined in ORS 351.642, a law enforcement agency of the United
6 States or a state or local law enforcement agency, commits a Class C
7 felony.

8 “SECTION 3. (1) A public body may not operate a drone in the air-
9 space over this state without registering the drone with the Oregon
10 Department of Aviation.

11 “(2) The Oregon Department of Aviation may impose a civil penalty
12 of up to \$10,000 against a public body that violates subsection (1) of
13 this section.

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

19 “(4) The Oregon Department of Aviation shall establish a registry
20 of drones operated by public bodies, and may charge a fee sufficient
21 to reimburse the department for the maintenance of the registry.

22 “(5) The Oregon Department of Aviation shall require the following
23 information for registration of a drone:

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

25 “(b) The name and contact information of the individuals who op-
26 erate the drone.

27 “(c) Identifying information for the drone as required by the de-
28 partment by rule.

29 “(6) The State Aviation Board may adopt all rules necessary for the
30 registration of drones in Oregon that are consistent with the laws and

1 regulations of the United States.

2 **“SECTION 4. (1) As used in this section, ‘law enforcement agency’**
3 **means an agency that employs police officers, as defined in ORS**
4 **133.525, or that prosecutes offenses.**

5 **“(2) A law enforcement agency may use a drone for the purpose of**
6 **surveillance of the interior of a residence, or of any other place in**
7 **which an individual has a reasonable expectation of privacy, only if:**

8 **“(a) A warrant is issued under ORS 133.525 to 133.703 authorizing**
9 **use of the drone; or**

10 **“(b) The law enforcement agency has probable cause to believe that**
11 **a crime is being committed at the time the drone is used, and exigent**
12 **circumstances exist that make it unreasonable for the law enforce-**
13 **ment agency to obtain a warrant.**

14 **“(3) A law enforcement agency may use a drone for the purpose of**
15 **surveillance of a specific individual only if:**

16 **“(a) A warrant is issued under ORS 133.525 to 133.703 authorizing**
17 **use of the drone;**

18 **“(b) The law enforcement agency has probable cause to believe that**
19 **a crime is being committed at the time the drone is used, and exigent**
20 **circumstances exist that make it unreasonable for the law enforce-**
21 **ment agency to obtain a warrant;**

22 **“(c) The law enforcement agency has probable cause to believe that**
23 **the targeted individual intends to commit a crime, and circumstances**
24 **exist that prevent the law enforcement agency from acquiring a war-**
25 **rant before the time at which the law enforcement agency believes the**
26 **crime will be committed; or**

27 **“(d) The drone is used to track an individual fleeing the scene of a**
28 **crime.**

29 **“(4) A law enforcement agency may not use a drone to collect evi-**
30 **dence of violations, as described in ORS 153.008.**

1 “(5) Any evidence acquired with the use of a drone in violation of
2 this section is subject to a motion to suppress under ORS 133.673.

3 “SECTION 5. Any person who suffers injury to person or property
4 caused by a drone operated in violation of section 2 or 3 of this 2013
5 Act may recover damages from the person or public body that com-
6 mitted the violation of not less than \$5,000, and an award of reasonable
7 attorney fees.

8 “SECTION 6. In addition to any other remedies allowed by law, a
9 person who gains unauthorized control over a drone licensed by the
10 Federal Aviation Administration, or operated by the Armed Forces of
11 the United States as defined in ORS 351.642, an agency of the United
12 States or a federal, state or local law enforcement agency, is liable to
13 the owner of the drone in an amount of not less than \$5,000. The court
14 shall award reasonable attorney fees to a prevailing plaintiff in an
15 action under this section.

16 “SECTION 7. (1) Except as provided in subsection (2) of this section,
17 a person who owns or lawfully occupies real property in this state may
18 bring an action against any person who operates a drone that is flown
19 at a height of less than 400 feet over the property if:

20 “(a) The operator of the drone has flown the drone over the prop-
21 erty at a height of less than 400 feet on at least one previous occasion;
22 and

23 “(b) The person notified the owner or operator of the drone that the
24 person did not want the drone flown over the property at a height of
25 less than 400 feet.

26 “(2) A person may not bring an action under this section if:

27 “(a) The drone is lawfully in the flight path of an airport, airfield
28 or runway; and

29 “(b) The drone is in the process of taking off or landing.

30 “(3) A prevailing plaintiff may recover treble damages for any in-

1 jury to the person or the property by reason of a trespass by a drone
2 as described in this section, and may be awarded injunctive relief in
3 the action.

4 “(4) A court shall award reasonable attorney fees to a prevailing
5 plaintiff in an action under this section.

6 “(5) The Attorney General, on behalf of the State of Oregon, may
7 bring an action or claim for relief alleging nuisance or trespass arising
8 from the operation of a drone in the airspace over this state. A court
9 shall award reasonable attorney fees to the Attorney General if the
10 Attorney General prevails in an action under this section.

11 “SECTION 8. Sections 1 to 7 of this 2013 Act do not apply to the
12 Armed Forces of the United States as defined in ORS 351.642.

13 “SECTION 9. On or before November 1, 2014, the Oregon Depart-
14 ment of Aviation shall report to the House and Senate Interim Com-
15 mittee on Judiciary, or other appropriate interim committees, on:

16 “(1) The status of federal regulations relating to unmanned aerial
17 vehicles; and

18 “(2) Whether unmanned aerial vehicles operated by private parties
19 should be registered in Oregon in a manner similar to that required
20 for other aircraft.

21 “SECTION 10. This 2013 Act being necessary for the immediate
22 preservation of the public peace, health and safety, an emergency is
23 declared to exist, and this 2013 Act takes effect on its passage.”.

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