

**PROPOSED AMENDMENTS TO
SENATE BILL 71**

1 On page 1 of the printed bill, delete lines 4 through 28 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.**

5 **“(2) ‘Model airplane’ means a model aircraft as defined in section**
6 **336 of the FAA Modernization and Reform Act of 2012 (P.L. 112-95) as**
7 **in effect on the effective date of this 2013 Act.**

8 **“(3) ‘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 164.245 through the use of a drone, the**
16 **person commits a Class A misdemeanor.**

17 **“(5) If a person violates ORS 163.732 through the use of a drone, the**
18 **person commits a Class C felony.**

19 **“(6) A person who possesses or controls a drone and causes the**
20 **drone to fire a bullet or other projectile at an aircraft while the air-**
21 **craft is in the air, or intentionally causes or attempts to cause the**
22 **drone to crash into an aircraft while the aircraft is in the air, commits**

1 a Class A felony.

2 “(7) 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 Services of the United States,
5 a law enforcement agency of the United States or a state or local law
6 enforcement agency, commits a Class C felony.

7 **“SECTION 3. (1) A public body other than the Oregon National**
8 **Guard may not operate a drone in Oregon without registering the**
9 **drone with the Oregon Department of Aviation.**

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

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

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

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

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

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

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

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

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

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

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

9 **“(b) The law enforcement agency has reasonable grounds to believe**
10 **that a crime is being committed at the time the drone is used.**

11 **“(3) A law enforcement agency may use a drone for the purpose of**
12 **surveillance of a specific person only if:**

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

15 **“(b) The law enforcement agency has reasonable grounds to believe**
16 **that the targeted person is committing a crime at the time the drone**
17 **is used;**

18 **“(c) The law enforcement agency has reasonable grounds to believe**
19 **that the targeted person intends to commit a crime, and circum-**
20 **stances exist that prevent the law enforcement agency from acquiring**
21 **a warrant before the time at which the law enforcement agency be-**
22 **lieves the crime will be committed; or**

23 **“(d) The drone is used to track a person fleeing the scene of a**
24 **crime.**

25 **“(4) A law enforcement agency may not use a drone to collect evi-**
26 **dence of traffic offenses, as defined in ORS 801.555.**

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

29 **“SECTION 5. (1) Any person or public body that owns or exercises**
30 **control over a drone in Oregon that causes injury to person or prop-**

1 erty is strictly liable for the injury.

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

7 “(3) The provisions of this section do not apply to a model airplane
8 that is being operated in a lawful manner.

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

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

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

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

23 “(2) A plaintiff may recover treble damages for any injury to the
24 person or the property by reason of a trespass by a drone as described
25 in this section, and may be awarded injunctive relief in the action.

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

28 “(4) The Attorney General of Oregon, on behalf of the State of
29 Oregon, may bring an action or claim for relief alleging nuisance or
30 trespass arising from the use of a drone in the State of Oregon. A

1 **court shall award reasonable attorney fees to the Attorney General if**
2 **the Attorney General prevails in an action under this section.**

3 **“(5) The provisions of this section do not apply to a model airplane**
4 **that is being operated in a lawful manner.**

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

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