

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

REVENUE: No revenue impact**FISCAL: Minimal fiscal impact, no statement issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Channa Newell, Counsel**Meeting Dates:** 5/26

WHAT THE MEASURE DOES: Removes 400 foot zone for civil actions against operators of unmanned aircraft system flying over private property. Changes drone to “unmanned aircraft system” for consistency with federal language.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: Proposed (-A4) amendment provide exemption to civil right of action for unmanned aircraft system operating within FAA authorization.

BACKGROUND: In 2013, the Oregon Legislature enacted House Bill 2710, which provided guidance and restrictions on the use of “drones” within Oregon. Drones are unmanned flying machines, but do not include model aircraft. Drones may be as large as a small aircraft, or the size of a small bird. HB 2710 restricted law enforcement use of drones to situations in which law enforcement has a warrant, with consent, or for search and rescue and emergency situations. It created a civil right of action for individuals who do not want drones operated over their property. The operator must have flown the drone at an elevation of less than 400 feet over the person’s property on at least one other occasion and been notified by the person not to do so. The successful plaintiff may recover treble damages and attorney fees.

House Bill 2354 A removes the 400 foot restriction, thereby allowing an action to be commenced regardless of the height at which a drone is flown over property. In addition, the measure changes the term “drone” to “unmanned aircraft system” throughout the statute to be consistent with federal law.