

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: HB 2354 A
CARRIER: Sen. Prozanski

Fiscal: No Fiscal Impact
Revenue: No Revenue Impact

Action Date: 05/26/15

Action: Do Pass The A-Eng Bill.

Meeting Dates: 05/26

Vote:

Yeas: 4 - Burdick, Gelser, Kruse, Prozanski

Exc: 1 - Thatcher

Prepared By: Channa Newell, Counsel

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:

- Federal Aviation Administration (FAA) jurisdiction over navigable airspace
- Issuance of FAA authorizations or exemptions
- Scope of private right of action
- Work group efforts to develop legislation on unmanned aircraft systems

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

In 2013, the Oregon Legislature enacted House Bill 2710, which provides 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 restricts 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 creates 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 for the right to apply. 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.