

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2354**

1 On page 4 of the printed A-engrossed bill, delete lines 14 through 37 and
2 insert:

3 **“SECTION 11.** ORS 837.380 is amended to read:

4 “837.380. (1) Except as provided in subsection (2) of this section, a person
5 who owns or lawfully occupies real property in this state may bring an
6 action against any person or public body that operates [*a drone*] **an un-**
7 **manned aircraft system** that is flown [*at a height of less than 400 feet*] over
8 the property if:

9 “(a) The operator of the [*drone*] **unmanned aircraft system** has flown
10 the [*drone*] **unmanned aircraft system** over the property [*at a height of less*
11 *than 400 feet*] on at least one previous occasion; and

12 “(b) The person notified the owner or operator of the [*drone*] **unmanned**
13 **aircraft system** that the person did not want the [*drone*] **unmanned air-**
14 **craft system** flown over the property [*at a height of less than 400 feet*].

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

16 “(a) The [*drone*] **unmanned aircraft system** is lawfully in the flight path
17 for landing at an airport, airfield or runway[;] and

18 “[*(b)*] the [*drone*] **unmanned aircraft system** is in the process of taking
19 off or landing[.]; **or**

20 **“(b) The Federal Aviation Administration has authorized the use**
21 **of the unmanned aircraft system and the unmanned aircraft system**
22 **is operated in accordance with the terms and conditions of the au-**

1 **thorization.**

2 “(3) A prevailing plaintiff may recover treble damages for any injury to
3 the person or the property by reason of a trespass by [*a drone*] **an un-**
4 **manned aircraft system** as described in this section, and may be awarded
5 injunctive relief in the action.

6 “(4) A prevailing plaintiff may recover attorney fees under ORS 20.080 if
7 the amount pleaded in an action under this section is \$10,000 or less.

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

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