

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/10/16

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 02/08, 02/10

Vote:

Yeas: 9 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Sprenger, Vega Pederson

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Modifies statutes relating to unmanned aircraft systems (UAS). Makes Class A misdemeanor if any person intentionally, knowingly, or recklessly operates UAS that is capable of firing bullet or projectile, or otherwise operates as a dangerous weapon. Modifies definition of UAS to apply to all flying machines, including model aircraft. Removes UASs from felony crime of endangering aircraft. Creates new violation of reckless interference with aircraft. Requires public bodies using UAS in Oregon to establish policies and procedures for use, storage, accessing, sharing, and retention of data collected through UAS operation. Requires policy be made available to public. Allows public bodies until January 1, 2017, to establish policies. Removes private right of action against operator who flies UAS in compliance with Federal Aviation Administration authorization. Creates violation if person knowingly or intentionally operates UAS over critical facility with altitude of 400 feet or lower or makes contact with critical facility with UAS. Defines critical facility, includes corrections facilities and law enforcement. Exempts public bodies, federal government, law enforcement agencies, owners or operators of facility, commercial flights in accordance with FAA authorization, or those with prior written permission for flight. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Prohibition on arming a UAS includes prohibition on using UAS to deliver medicine to animals
- Interaction of state law with federal law
- Critical facilities needing protection
- Warrant, surveillance, and privacy issues will be work group task in interim
- Efforts of ongoing work group
- Measure maintains allowances for emergency use and search and rescue uses

EFFECT OF COMMITTEE AMENDMENT:

Removes prohibition on establishment of probable cause through public body data obtained without a warrant. Adds mental state of intentional, knowing, or reckless to weaponization of drone. Provides until January 1, 2017, for public bodies to develop policies and procedures. Remove requirement to provide information on flights and nature of data collected. Removes private right of action against operator who flies UAS in compliance with Federal Aviation Administration authorization. Creates violation if person knowingly or intentionally operates UAS over critical facility with altitude of 400 feet or lower or makes contact with critical facility with UAS. Defines critical facility, includes corrections facilities and law enforcement. Exempts public bodies, federal government, law enforcement agencies, owners or operators of facility, commercial flights in accordance with FAA authorization, or those with prior written permission for flight.

BACKGROUND:

In 2013, the Oregon Legislature enacted House Bill 2710, which provides guidance and restrictions on the use of “drones” within Oregon. Drones, or UASs, are unmanned flying machines and may be as large as a small aircraft, or the size of a small bird. The initial legislation restricted law enforcement use of UASs to situations in which law enforcement has a warrant, with consent, or for search and rescue and emergency situations. It also created a civil right of action for individuals who do not

want UASs operated over their property. House Bill 2354 in 2015 further modified the private right of action and changed the term “drone” to “unmanned aircraft system” throughout the statute to be consistent with federal law.

House Bill 4066 A continues to address concerns raised by this new technology. The measure applies a prohibition on weaponizing UASs to all users and creates a new violation for interfering with the flight of another aircraft. The measure also requires public bodies that use UASs to develop policies and procedures for safeguarding the information gathered from UAS operations. Finally, the measure allows flights over private property by FAA authorized UASs and provides protections for critical infrastructure.