

## HOUSE AMENDMENTS TO HOUSE BILL 4066

By COMMITTEE ON JUDICIARY

February 15

1 On page 1 of the printed bill, delete line 3 and insert “837.300, 837.360, 837.365 and 837.380; and  
2 declaring an emergency.”.

3 In line 27, after “person” insert “intentionally, knowingly or recklessly”.

4 On page 2, delete line 45.

5 On page 3, delete lines 1 and 2.

6 In line 3, delete “(c)” and insert “(b)”.

7 Delete lines 39 through 45.

8 On page 4, delete lines 1 through 5 and insert:

9 **“SECTION 9. (1) Section 7 of this 2016 Act and the amendments to ORS 837.360 by section  
10 8 of this 2016 Act become operative on January 1, 2017.**

11 **“(2) A public body may take any action before the operative date specified in subsection  
12 (1) of this section that is necessary to enable the public body to exercise, on and after the  
13 operative date specified in subsection (1) of this section, all the duties, functions and powers  
14 conferred on the public body by section 7 of this 2016 Act and the amendments to ORS 837.360  
15 by section 8 of this 2016 Act.**

### “USE OF UNMANNED AIRCRAFT SYSTEM FOR COMMERCIAL PURPOSES

16  
17  
18  
19  
20 **“SECTION 10.** ORS 837.380 is amended to read:

21 **“837.380. (1) Except as provided in subsection (2) of this section, a person who owns or lawfully  
22 occupies real property in this state may bring an action against any person or public body that op-  
23 erates an unmanned aircraft system that is flown over the property if:**

24 **“(a) The operator of the unmanned aircraft system has flown the unmanned aircraft system over  
25 the property on at least one previous occasion; and**

26 **“(b) The person notified the owner or operator of the unmanned aircraft system that the person  
27 did not want the unmanned aircraft system flown over the property.**

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

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

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

32 **“(b) The unmanned aircraft system is operated for commercial purposes in compliance  
33 with authorization granted by the Federal Aviation Administration.**

34 **“(3) A prevailing plaintiff may recover treble damages for any injury to the person or the  
35 property by reason of a trespass by an unmanned aircraft system as described in this section, and**

1 may be awarded injunctive relief in the action.

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

4 “(5) The Attorney General, on behalf of the State of Oregon, may bring an action or claim for  
5 relief alleging nuisance or trespass arising from the operation of an unmanned aircraft system in the  
6 airspace over this state. A court shall award reasonable attorney fees to the Attorney General if the  
7 Attorney General prevails in an action under this section.

8  
9 **“CRITICAL INFRASTRUCTURE FACILITIES**

10  
11 **“SECTION 11. Section 12 of this 2016 Act is added to and made a part of ORS 837.300 to**  
12 **837.390.**

13 **“SECTION 12. (1) As used in this section, ‘critical infrastructure facility’ means any of**  
14 **the following facilities, if completely enclosed by a fence or other physical barrier that is**  
15 **obviously designed to exclude intruders, or if marked with a sign conspicuously posted on the**  
16 **property that indicates that entry is forbidden:**

17 **“(a) A petroleum or alumina refinery;**

18 **“(b) An electrical power generating facility, substation, switching station or electrical**  
19 **control center;**

20 **“(c) A chemical, polymer or rubber manufacturing facility;**

21 **“(d) A water intake structure, water treatment facility, wastewater treatment plant or**  
22 **pump station;**

23 **“(e) A natural gas compressor station;**

24 **“(f) A liquid natural gas terminal or storage facility;**

25 **“(g) A telecommunications central switching office;**

26 **“(h) A port, railroad switching yard, trucking terminal or other freight transportation**  
27 **facility;**

28 **“(i) A gas processing plant, including a plant used in the processing, treatment or**  
29 **fractionation of natural gas;**

30 **“(j) A transmission facility used by a federally licensed radio or television station;**

31 **“(k) A steelmaking facility that uses an electric arc furnace to make steel;**

32 **“(L) A dam that is classified as a high hazard by the Water Resources Department;**

33 **“(m) Any portion of an aboveground oil, gas or chemical pipeline that is enclosed by a**  
34 **fence or other physical barrier that is obviously designed to exclude intruders; or**

35 **“(n) A correctional facility or law enforcement facility.**

36 **“(2) Except as provided in subsection (3) of this section, a person commits a Class A vi-**  
37 **olation if the person intentionally or knowingly:**

38 **“(a) Operates an unmanned aircraft system over a critical infrastructure facility at an**  
39 **altitude not higher than 400 feet above ground level; or**

40 **“(b) Allows an unmanned aircraft system to make contact with a critical infrastructure**  
41 **facility, including any person or object on the premises of or within the facility.**

42 **“(3) This section does not apply to:**

43 **“(a) The federal government.**

44 **“(b) A public body.**

45 **“(c) A law enforcement agency.**

1       “(d) A person under contract with or otherwise acting under the direction or on behalf  
2 of the federal government, a public body or a law enforcement agency.

3       “(e) An owner or operator of the critical infrastructure facility.

4       “(f) A person who has the prior written consent of the owner or operator of the critical  
5 infrastructure facility.

6       “(g) The owner or occupant of the property on which the critical infrastructure facility  
7 is located.

8       “(h) A person who has the prior written consent of the owner or occupant of the property  
9 on which the critical infrastructure facility is located.

10       “(i) A person operating an unmanned aircraft system for commercial purposes in com-  
11 pliance with authorization granted by the Federal Aviation Administration.”.

12       In line 9, delete “10” and insert “13”.

13       In line 35, delete “11” and insert “14”.

14       In line 41, delete “12” and insert “15”.

15

---