

House Bill 4066

Sponsored by Representative HUFFMAN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions relating to unmanned aircraft systems, commonly known as drones.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to unmanned aircraft systems; creating new provisions; amending ORS 164.885, 498.128, 837.300, 837.310, 837.360 and 837.365; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

DEFINITION OF UNMANNED AIRCRAFT SYSTEM

SECTION 1. ORS 837.300 is amended to read:

837.300. As used in ORS 837.300 to 837.390 and 837.995:

[(1) "Unmanned aircraft system" means an unmanned flying machine, commonly known as a drone. "Unmanned aircraft system" does not include a model aircraft as defined in section 336 of the FAA Modernization and Reform Act of 2012 (P.L. 112-95) as in effect on July 29, 2013.]

(1) "Aircraft" has the meaning given that term in ORS 836.005.

(2) "Law enforcement agency" means an agency that employs [police] peace officers, as defined in [ORS 133.525] ORS 133.005, or that prosecutes offenses.

(3) "Public body" has the meaning given that term in ORS 174.109.

(4) "Unmanned aircraft system" means an unmanned flying machine, commonly known as a drone, and its associated elements, including communication links and the components that control the machine.

[(4)] (5) "Warrant" means a warrant issued under ORS 133.525 to 133.703.

WEAPONIZED UNMANNED AIRCRAFT SYSTEMS

SECTION 2. ORS 837.365 is amended to read:

837.365. *[A public body may not operate an unmanned aircraft system that is capable of firing a bullet or other projectile, directing a laser or otherwise being used as a weapon.]* **A person commits a Class A misdemeanor if the person operates an unmanned aircraft system that is capable of firing a bullet or projectile or otherwise operates an unmanned aircraft system in a manner that causes the system to function as a dangerous weapon as defined in ORS 161.015.**

UNMANNED AIRCRAFT SYSTEMS AND AIRCRAFT

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

SECTION 3. ORS 164.885 is amended to read:

164.885. (1) A person commits the crime of endangering aircraft in the first degree if the person knowingly:

(a) Throws an object at, or drops an object upon, an aircraft;

(b) Discharges a bow and arrow, gun, airgun or firearm at or toward an aircraft;

(c) Tampers with an aircraft or a part, system, machine or substance used to operate an aircraft in such a manner as to impair the safety, efficiency or operation of an aircraft without the consent of the owner, operator or possessor of the aircraft; or

(d) Places, sets, arms or causes to be discharged a spring gun, trap, explosive device or explosive material with the intent of damaging, destroying or discouraging the operation of an aircraft.

(2)(a) Except as provided in paragraph (b) of this subsection, a person commits the crime of endangering aircraft in the second degree if the person knowingly possesses a firearm or deadly weapon in a restricted access area of a commercial service airport that has at least 2 million passenger boardings per calendar year.

(b) Paragraph (a) of this subsection does not apply to a person authorized under federal law or an airport security program to possess a firearm or deadly weapon in a restricted access area.

(3)(a) Endangering aircraft in the first degree is a Class C felony.

(b) Endangering aircraft in the second degree is a Class A misdemeanor.

(4) As used in this section[,]:

(a) **“Aircraft” does not include an unmanned aircraft system as defined in ORS 837.300.**

(b) **“Restricted access area” means an area of a commercial service airport that is:**

[(a)] (A) Designated as restricted in the airport security program approved by the federal Transportation Security Administration; and

[(b)] (B) Marked at points of entry with signs giving notice that access to the area is restricted.

SECTION 4. Section 5 of this 2016 Act is added to and made a part of ORS 837.300 to 837.390.

SECTION 5. Reckless interference with aircraft; penalty. A person commits a Class A violation if the person possesses or controls an unmanned aircraft system and recklessly causes the unmanned aircraft system to:

(1) **Direct a laser at an aircraft while the aircraft is in the air;**

(2) **Crash into an aircraft while the aircraft is in the air; or**

(3) **Prevent the takeoff or landing of an aircraft.**

USE OF UNMANNED AIRCRAFT SYSTEMS BY PUBLIC BODIES

SECTION 6. Section 7 of this 2016 Act is added to and made a part of ORS 837.300 to 837.390.

SECTION 7. Policies and procedures for use of data. (1) A public body that operates an unmanned aircraft system shall establish policies and procedures for the use, storage, accessing, sharing and retention of data, including but not limited to video and audio recordings, resulting from the operation of the unmanned aircraft system.

(2) **The public body shall post the following information on the public body’s website or otherwise make the following information available to the public:**

(a) **The policies and procedures established under this section.**

(b) **Instructions on how to locate information on unmanned aircraft system flights con-**

1 **ducted by the public body, including the purpose of the flights and the nature of data col-**
 2 **lected.**

3 **(c) The text of ORS 192.501.**

4 **(3) The policies and procedures established under this section must include:**

5 **(a) The length of time data will be retained by the public body.**

6 **(b) Specifications for third party storage of data, including handling, security and access**
 7 **to the data by the third party.**

8 **(c) A policy on disclosure of data through intergovernmental agreements.**

9 **SECTION 8.** ORS 837.360 is amended to read:

10 837.360. (1) A public body may not operate an unmanned aircraft system in the airspace over
 11 this state without registering the unmanned aircraft system with the Oregon Department of Avi-
 12 ation.

13 (2) The Oregon Department of Aviation may impose a civil penalty of up to \$10,000 against a
 14 public body that violates subsection (1) of this section.

15 (3) Evidence obtained by a public body through the use of an unmanned aircraft system in vio-
 16 lation of subsection (1) of this section is not admissible in any judicial or administrative proceeding
 17 and may not be used to establish reasonable suspicion or probable cause to believe that an offense
 18 has been committed.

19 (4) The Oregon Department of Aviation shall establish a registry of unmanned aircraft systems
 20 operated by public bodies and may charge a fee sufficient to reimburse the department for the
 21 maintenance of the registry.

22 (5) The Oregon Department of Aviation shall require the following information for registration
 23 of an unmanned aircraft system:

24 (a) The name of the public body that owns or operates the unmanned aircraft system.

25 (b) The name and contact information of the individuals who operate the unmanned aircraft
 26 system.

27 (c) Identifying information for the unmanned aircraft system as required by the department by
 28 rule.

29 (6) A public body that registers one or more unmanned aircraft systems under this section shall
 30 provide an annual report to the Oregon Department of Aviation that *[summarizes]*:

31 (a) **Summarizes** the frequency of use of the unmanned aircraft systems by the public body
 32 during the preceding calendar year; *[and]*

33 (b) **Summarizes** the purposes for which the unmanned aircraft systems have been used by the
 34 public body during the preceding calendar year*[,] and*

35 **(c) Indicates how the public can access the policies and procedures established under**
 36 **section 7 of this 2016 Act.**

37 (7) The State Aviation Board may adopt all rules necessary for the registration of unmanned
 38 aircraft systems in Oregon that are consistent with federal laws and regulations.

39 **SECTION 9.** ORS 837.310 is amended to read:

40 837.310. (1) Except as otherwise provided in ORS 837.310 to 837.345, a law enforcement agency
 41 may not operate an unmanned aircraft system, acquire information through the operation of an un-
 42 manned aircraft system or disclose information acquired through the operation of an unmanned
 43 aircraft system.

44 (2) Any image or other information that is acquired **without a warrant** through the use of an
 45 unmanned aircraft system by a law enforcement agency *[in violation of ORS 837.310 to 837.345]* **or**

1 **other public body**, and any evidence derived from that image or information:

2 (a) Is not admissible in, and may not be disclosed in, a judicial proceeding, administrative pro-
3 ceeding, arbitration proceeding or other adjudicatory proceeding; and

4 (b) May not be used to establish reasonable suspicion or probable cause to believe that an of-
5 fense has been committed.

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7 **CONFORMING AMENDMENTS**

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9 **SECTION 10.** ORS 498.128 is amended to read:

10 498.128. (1) The State Fish and Wildlife Commission shall adopt rules prohibiting the use of
11 drones for the following purposes related to the pursuit of wildlife:

12 (a) Angling;

13 (b) Hunting;

14 (c) Trapping;

15 (d) Aiding angling, hunting or trapping through the use of drones to harass, track, locate or
16 scout wildlife; and

17 (e) Interfering in the acts of a person who is lawfully angling, hunting or trapping.

18 (2) Rules adopted to carry out the prohibitions provided for in this section may include ex-
19 emptions for:

20 (a) Subject to ORS 837.360 [*and 837.365*], the State Department of Fish and Wildlife and the
21 department’s agents and contractors for the use of drones in carrying out the duties of the depart-
22 ment; or

23 (b) The use of drones in a manner otherwise prohibited under this section if the purpose of the
24 use is to benefit wildlife management or habitat or for the protection of property.

25 (3) Nothing in this section is meant to limit the use of drones by a person who is lawfully en-
26 gaging in activities authorized under the commercial fishing laws.

27 (4) As used in this section, “drone” means:

28 (a) An unmanned flying machine;

29 (b) An unmanned water-based vehicle; or

30 (c) Any other vehicle that is able to operate in the air, in or under the water or on land, either
31 remotely or autonomously, and without a human occupant.

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33 **CAPTIONS**

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35 **SECTION 11.** **The unit and section captions used in this 2016 Act are provided only for**
36 **the convenience of the reader and do not become part of the statutory law of this state or**
37 **express any legislative intent in the enactment of this 2016 Act.**

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39 **EMERGENCY CLAUSE**

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41 **SECTION 12.** **This 2016 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**
43 **on its passage.**