

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4066

By COMMITTEE ON JUDICIARY

February 24

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert “163.700.”.

2 On page 4, delete lines 7 through 29 and insert:

3 “**SECTION 10.** ORS 837.380 is amended to read:

4 “837.380. (1) Except as provided in [*subsection (2)*] **subsections (2) and (3)** of this section, a
5 person who owns or lawfully occupies real property in this state may bring an action against any
6 person or public body that operates an unmanned aircraft system that is flown over the property if:

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

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

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

12 “(a) The unmanned aircraft system is lawfully in the flight path for landing at an airport, airfield
13 or runway; and

14 “(b) The unmanned aircraft system is in the process of taking off or landing.

15 “**(3) A person may not bring an action under this section if the unmanned aircraft system**
16 **is operated for commercial purposes in compliance with authorization granted by the Federal**
17 **Aviation Administration. This subsection does not preclude a person from bringing another**
18 **civil action, including but not limited to an action for invasion of privacy or an action for**
19 **invasion of personal privacy under ORS 30.865.**

20 “[~~(3)~~] (4) A prevailing plaintiff may recover treble damages for any injury to the person or the
21 property by reason of a trespass by an unmanned aircraft system as described in this section, and
22 may be awarded injunctive relief in the action.

23 “[~~(4)~~] (5) A prevailing plaintiff may recover attorney fees under ORS 20.080 if the amount
24 pleaded in an action under this section is \$10,000 or less.

25 “[~~(5)~~] (6) The Attorney General, on behalf of the State of Oregon, may bring an action or claim
26 for relief alleging nuisance or trespass arising from the operation of an unmanned aircraft system
27 in the airspace over this state. A court shall award reasonable attorney fees to the Attorney Gen-
28 eral if the Attorney General prevails in an action under this section.

29 “**SECTION 11.** ORS 163.700 is amended to read:

30 “163.700. (1) Except as provided in ORS 163.702, a person commits the crime of invasion of
31 personal privacy in the second degree if:

32 “(a)(A) For the purpose of arousing or gratifying the sexual desire of the person, the person is
33 in a location to observe another person in a state of nudity without the consent of the other person;
34 and

35 “(B) The other person is in a place and circumstances where the person has a reasonable ex-

1 pectation of personal privacy; or

2 “(b)(A) The person knowingly makes or records a photograph, motion picture, videotape or other
3 visual recording of another person’s intimate area without the consent of the other person; and

4 “(B) The person being recorded has a reasonable expectation of privacy concerning the intimate
5 area.

6 “(2) As used in this section and ORS 163.701:

7 “(a) ‘Intimate area’ means nudity, or undergarments that are being worn by a person and are
8 covered by clothing.

9 “(b) ‘Makes or records a photograph, motion picture, videotape or other visual recording’ in-
10 cludes, but is not limited to[,]:

11 “(A) Making or recording or employing, authorizing, permitting, compelling or inducing another
12 person to make or record a photograph, motion picture, videotape or other visual recording.

13 “(B) **Making or recording a photograph, motion picture, videotape or other visual re-
14 cording through the use of an unmanned aircraft system as defined in ORS 837.300, even if
15 the unmanned aircraft system is operated for commercial purposes in compliance with au-
16 thorization granted by the Federal Aviation Administration.**

17 “(c) ‘Nudity’ means any part of the uncovered or less than opaquely covered:

18 “(A) Genitals;

19 “(B) Pubic area; or

20 “(C) Female breast below a point immediately above the top of the areola.

21 “(d) ‘Places and circumstances where the person has a reasonable expectation of personal pri-
22 vacy’ includes, but is not limited to, a bathroom, dressing room, locker room that includes an en-
23 closed area for dressing or showering, tanning booth and any area where a person undresses in an
24 enclosed space that is not open to public view.

25 “(e) ‘Public view’ means that an area can be readily seen and that a person within the area can
26 be distinguished by normal unaided vision when viewed from a public place as defined in ORS
27 161.015.

28 “(f) ‘Reasonable expectation of privacy concerning the intimate area’ means that the person in-
29 tended to protect the intimate area from being seen and has not exposed the intimate area to public
30 view.

31 “(3) Invasion of personal privacy in the second degree is a Class A misdemeanor.”.

32 In line 33, delete “11” and insert “12” and delete “12” and insert “13”.

33 In line 35, delete “12” and insert “13”.

34 On page 5, line 37, delete “13” and insert “14”.

35 On page 6, line 18, delete “14” and insert “15”.

36 In line 24, delete “15” and insert “16”.

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