

**Enrolled**  
**House Bill 4140**

Sponsored by Representative GOMBERG, Senator JOHNSON (Presession filed.)

CHAPTER .....

AN ACT

Relating to sky lanterns; creating new provisions; and amending ORS 477.512.

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

**SECTION 1.** (1) As used in this section, “sky lantern” means an unmanned self-contained luminary device that uses heated air produced by an open flame or produced by another source to become or remain airborne.

(2) A person may not release a sky lantern into the airspace of this state.

(3) Violation of this section is a Class A violation.

(4) In addition to any enforcement officer specifically identified in ORS 153.005, a citation for a violation of this section may be issued by:

(a) The State Fire Marshal, employees of the office of the State Fire Marshal or assistants to the State Fire Marshal as described in ORS 476.040 or 476.060;

(b) The Director of the Oregon Department of Aviation or employees specifically designated by the director under ORS 837.100 to enforce violations;

(c) The State Forester or the State Forestry Department, or any employee specifically designated by the State Forester or the department under ORS 477.985 to enforce violations;  
or

(d) The State Parks and Recreation Director or any State Parks and Recreation Department employee specifically designated by the director under ORS 390.050 to enforce violations.

**SECTION 2.** ORS 477.512 is amended to read:

477.512. (1) As used in this section:

(a) “Exploding target” means a device:

(A) Designed for use or used as a target for small arms ammunition or for other projectiles;

(B) Consisting of a flammable substance or flammable combination of substances; and

(C) Capable of exploding when struck by small arms gunfire or by other projectiles.

*[(b) “Sky lantern” means an unmanned self-contained luminary device that uses heated air produced by an open flame or produced by another source to become or remain airborne.]*

*[(c)]* (b) “Small arms” means a shotgun, rifle, pistol or revolver.

*[(d)]* (c) “Tracer ammunition” means a bullet that contains a flammable substance designed to ignite upon firing of the bullet and to burn with sufficient brightness to allow observation of the bullet trajectory.

(2) A person violates this section if, during a fire season declared under ORS 477.505 for a forest protection district or a part of a forest protection district:

(a) The person [*releases a sky lantern or*] discharges an exploding target or tracer ammunition on land that is inside the district or is within one-eighth of a mile of the district; or

(b) [*A sky lantern released by the person or*] Tracer ammunition discharged by the person crosses above land that is inside the district or is within one-eighth of a mile of the district.

(3) Violation of this section is a Class A violation. In addition to any enforcement officer specifically identified in ORS 153.005, the State Fire Marshal, the State Forestry Department or the State Forester may issue a citation for a violation under this section.

**Passed by House February 12, 2016**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate February 25, 2016**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2016

**Approved:**

.....M.,....., 2016

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2016

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Jeanne P. Atkins, Secretary of State