

House Bill 4140

Sponsored by Representative GOMBERG, Senator JOHNSON (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**.

Prohibits release of sky lantern in Oregon airspace. Makes violation subject to maximum penalty of \$2,000 fine.

A BILL FOR AN ACT

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

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

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

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

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

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

10 (a) The State Fire Marshal, employees of the office of the State Fire Marshal or assist-
11 ants to the State Fire Marshal as described in ORS 476.040 or 476.060;

12 (b) The Director of the Oregon Department of Aviation or employees specifically desig-
13 nated by the director under ORS 837.100 to enforce violations;

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

17 (d) The State Parks and Recreation Director or any State Parks and Recreation Depart-
18 ment employee specifically designated by the director under ORS 390.050 to enforce vio-
19 lations.
20

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

22 477.512. (1) As used in this section:

23 (a) "Exploding target" means a device:

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

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

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

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

29 [(c)] (b) "Small arms" means a shotgun, rifle, pistol or revolver.

30 [(d)] (c) "Tracer ammunition" means a bullet that contains a flammable substance designed to
31 ignite upon firing of the bullet and to burn with sufficient brightness to allow observation of the

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.

1 bullet trajectory.

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

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

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

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

11
