

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4066**

1 On page 1 of the printed bill, line 3, delete “and 837.365” and insert “,
2 837.365 and 837.380”.

3 On page 4, after line 5, insert:
4

5 **“USE OF UNMANNED AIRCRAFT SYSTEM**
6 **FOR COMMERCIAL PURPOSES**
7

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

9 “837.380. (1) Except as provided in subsection (2) of this section, a person
10 who owns or lawfully occupies real property in this state may bring an
11 action against any person or public body that operates an unmanned aircraft
12 system that is flown over the property if:

13 “(a) The operator of the unmanned aircraft system has flown the un-
14 manned aircraft system over the property on at least one previous occasion;
15 and

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

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

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

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

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

6 “(3) A prevailing plaintiff may recover treble damages for any injury to
7 the person or the property by reason of a trespass by an unmanned aircraft
8 system as described in this section, and may be awarded injunctive relief in
9 the action.

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

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

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18 **“CRITICAL INFRASTRUCTURE FACILITIES**

19

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

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

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

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

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

1 “(d) A water intake structure, water treatment facility, wastewater
2 treatment plant or pump station;

3 “(e) A natural gas compressor station;

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

5 “(g) A telecommunications central switching office;

6 “(h) A port, railroad switching yard, trucking terminal or other
7 freight transportation facility;

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

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

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

14 “(L) A dam that is classified as a high hazard by the Water Re-
15 sources Department;

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

19 “(n) A correctional facility or law enforcement facility.

20 “(2) Except as provided in subsection (3) of this section, a person
21 commits a Class A violation if the person intentionally or knowingly:

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

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

28 “(3) This section does not apply to:

29 “(a) The federal government.

30 “(b) A public body.

1 “(c) A law enforcement agency.

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

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

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

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

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

13 “(i) A person operating an unmanned aircraft system for commer-
14 cial purposes in compliance with authorization granted by the Federal
15 Aviation Administration.

16 “SECTION 13. Section 12 of this 2016 Act is repealed on March 1,
17 2018.”.

18 In line 9, delete “10” and insert “14”.

19 In line 35, delete “11” and insert “15”.

20 In line 41, delete “12” and insert “16”.

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