

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 4066**

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

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

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

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

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

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

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

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

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

20 **“(3) A person may not bring an action under this section if the**  
21 **unmanned aircraft system is operated for commercial purposes in**

1 **compliance with authorization granted by the Federal Aviation Ad-**  
2 **ministration. This subsection does not preclude a person from bringing**  
3 **another civil action, including but not limited to an action for invasion**  
4 **of privacy or an action for invasion of personal privacy under ORS**  
5 **30.865.**

6 “[3] (4) A prevailing plaintiff may recover treble damages for any injury  
7 to the person or the property by reason of a trespass by an unmanned air-  
8 craft system as described in this section, and may be awarded injunctive re-  
9 lief in the action.

10 “[4] (5) A prevailing plaintiff may recover attorney fees under ORS  
11 20.080 if the amount pleaded in an action under this section is \$10,000 or less.

12 “[5] (6) The Attorney General, on behalf of the State of Oregon, may  
13 bring an action or claim for relief alleging nuisance or trespass arising from  
14 the operation of an unmanned aircraft system in the airspace over this state.  
15 A court shall award reasonable attorney fees to the Attorney General if the  
16 Attorney General prevails in an action under this section.

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

18 “163.700. (1) Except as provided in ORS 163.702, a person commits the  
19 crime of invasion of personal privacy in the second degree if:

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

23 “(B) The other person is in a place and circumstances where the person  
24 has a reasonable expectation of personal privacy; or

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

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

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

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

3       “(b) ‘Makes or records a photograph, motion picture, videotape or other  
4 visual recording’ includes, but is not limited to[,]:

5       **“(A) Making or recording or employing, authorizing, permitting, compel-  
6 ling or inducing another person to make or record a photograph, motion  
7 picture, videotape or other visual recording.**

8       **“(B) Making or recording a photograph, motion picture, videotape  
9 or other visual recording through the use of an unmanned aircraft  
10 system as defined in ORS 837.300, even if the unmanned aircraft sys-  
11 tem is operated for commercial purposes in compliance with authori-  
12 zation granted by the Federal Aviation Administration.**

13       “(c) ‘Nudity’ means any part of the uncovered or less than opaquely cov-  
14 ered:

15       “(A) Genitals;

16       “(B) Pubic area; or

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

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

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

26       “(f) ‘Reasonable expectation of privacy concerning the intimate area’  
27 means that the person intended to protect the intimate area from being seen  
28 and has not exposed the intimate area to public view.

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

- 1 In line 33, delete “11” and insert “12” and delete “12” and insert “13”.
- 2 In line 35, delete “12” and insert “13”.
- 3 On page 5, line 37, delete “13” and insert “14”.
- 4 On page 6, line 18, delete “14” and insert “15”.
- 5 In line 24, delete “15” and insert “16”.
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