

HB 3049 -3, -6, -7 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/27, 4/13

WHAT THE MEASURE DOES:

Prohibits operator of unmanned aircraft system operator from hovering over privately owned premises for more than 60 seconds. Provides exceptions. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Other applicable laws
- Intersection with federal law
- Changes made in the -3 amendment

EFFECT OF AMENDMENT:

-3 Replaces measure. Prohibits operation of UAS in manner so as to intentionally or recklessly harass or annoy the owner or occupant of privately owned premises. Provides exception for flight with consent, flight for commercial purpose in compliance with Federal Aviation Administration, or authorized flight by law enforcement. Specifies violation is Class B violation.

-6 Prohibits operation of UAS over privately owner premises in manner to harass or unreasonably annoy owner or occupant. Offense is a Class B violation.

-7 Incorporates the -6 amendment. Adds exemption for commercial purpose in compliance with Federal Aviation Administration.

BACKGROUND:

In 2013, the Oregon Legislature enacted House Bill 2710, which provides guidance and restrictions on the use of “drones” within Oregon. Drones, or UAS, are unmanned flying machines and may be as large as a small aircraft, or the size of a small bird. The initial legislation restricted law enforcement use of UAS to situations in which law enforcement has a warrant, with consent, or for search and rescue and emergency situations. It also created a civil right of action for individuals who do not want UAS operated over their property. House Bill 2354 in 2015 further modified the private right of action and changed the term “drone” to “unmanned aircraft system” throughout the statute to be consistent with federal law. HB 4066 in the 2016 session applied a prohibition on weaponizing UAS to all users for all purposes.

House Bill 3049 returns to avenues to prohibit flight over privately owned property. The measure prohibits hovering over property for more than 60 seconds, unless exempt.