House Bill 2780

Sponsored by Representative DOHERTY

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.

Provides that fire department may operate unmanned aircraft systems and acquire and disclose information through such operation for purposes of emergency incident response.

Provides that laws prohibiting certain operation of unmanned aircraft systems over privately owned premises and certain critical infrastructure facilities do not apply to use of unmanned aircraft system by fire department.

Provides that law authorizing action against operator of unmanned aircraft system under certain circumstances does not apply to unmanned aircraft system operated for purposes of emergency incident response by law enforcement agency or fire department.

A BILL FOR AN ACT

Relating to use of unmanned aircraft systems for emergency response; creating new provisions; and amending ORS 837.300, 837.370, 837.372 and 837.380.

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

SECTION 1. ORS 837.300 is amended to read:

837.300. As used in ORS 837.300 to 837.390 and 837.995:

(1) “Aircraft” has the meaning given that term in ORS 836.005.

(2) “Fire department” has the meaning given the term “regularly organized fire department” in ORS 652.050.

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.

837.300. As used in ORS 837.300 to 837.390 and 837.995:

(1) “Aircraft” has the meaning given that term in ORS 836.005.

(2) “Fire department” has the meaning given the term “regularly organized fire department” in ORS 652.050.

(3) “Law enforcement agency” means an agency that employs peace officers, as defined in ORS 133.005, or that prosecutes offenses.

(4) “Public body” has the meaning given that term in ORS 174.109.

(5) “Unmanned aircraft system” means an unmanned flying machine, commonly known as a drone, and its associated elements, including communication links and the components that control the machine.

(6) “Warrant” means a warrant issued under ORS 133.525 to 133.703.

SECTION 2. Section 3 of this 2019 Act is added to and made a part of ORS 837.300 to 837.390.

SECTION 3. A fire department may, for purposes of emergency incident response, operate an unmanned aircraft system, acquire information through the operation of an unmanned aircraft system or disclose information acquired through the operation of an unmanned aircraft system.

SECTION 4. ORS 837.370 is amended to read:

837.370. (1) Except as provided in subsection (2) of this section, a person may not operate an unmanned aircraft system over the boundaries of privately owned premises in a manner so as to intentionally, knowingly or recklessly harass or annoy the owner or occupant of the privately owned premises.

(2) Subsection (1) of this section does not apply to the use of an unmanned aircraft system by
a law enforcement agency under ORS 837.335 or a fire department under section 3 of this 2019 Act.

(3)(a) Except as provided in paragraphs (b) and (c) of this subsection, violation of subsection (1) of this section is a Class B violation.

(b) If, at the time of the offense, the person has one prior conviction under this section, violation of subsection (1) of this section is a Class A violation.

(c) If, at the time of the offense, the person has two or more prior convictions under this section, violation of subsection (1) of this section is a Class B misdemeanor.

(d) If the court imposes a sentence of probation for a violation under paragraph (c) of this subsection, the court may order as a condition of probation that the person may not possess an unmanned aircraft system.

SECTION 5. ORS 837.372 is amended to read:

837.372. (1) As used in this section, “critical infrastructure facility” means any of the following facilities, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if marked with a sign conspicuously posted on the property that indicates that entry is forbidden:

(a) A petroleum or alumina refinery;

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

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

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

(e) A natural gas compressor station;

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

(g) A telecommunications central switching office;

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

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

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

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

(L) A dam that is classified as a high hazard by the Water Resources Department;

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

(n) A correctional facility or law enforcement facility.

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

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

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

(3) This section does not apply to:

(a) The federal government.

(b) A public body.

(c) A law enforcement agency or fire department.

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

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

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

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

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

(i) A person operating an unmanned aircraft system for commercial purposes in compliance with authorization granted by the Federal Aviation Administration.

SECTION 6. ORS 837.380 is amended to read:

837.380. (1) Except as provided in subsections (2) and (3) of this section, a person who owns or lawfully occupies real property in this state may bring an action against any person or public body that operates an unmanned aircraft system that is flown over the property if:

(a) The operator of the unmanned aircraft system has flown the unmanned aircraft system over the property on at least one previous occasion; and

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

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

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

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

(b) The unmanned aircraft system is operated for purposes of emergency incident response by a law enforcement agency or fire department.

(3) A person may not bring an action under this section if the unmanned aircraft system is operated for commercial purposes in compliance with authorization granted by the Federal Aviation Administration. This subsection does not preclude a person from bringing another civil action, including but not limited to an action for invasion of privacy or an action for invasion of personal privacy under ORS 30.865.

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

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

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