

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

1
2 Relating to use of unmanned aircraft systems for emergency response; creating new provisions; and
3 amending ORS 837.300, 837.370, 837.372 and 837.380.

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

5 **SECTION 1.** ORS 837.300 is amended to read:

6 837.300. As used in ORS 837.300 to 837.390 and 837.995:

7 (1) "Aircraft" has the meaning given that term in ORS 836.005.

8 (2) **"Fire department" has the meaning given the term "regularly organized fire depart-**
9 **ment" in ORS 652.050.**

10 [(2)] (3) "Law enforcement agency" means an agency that employs peace officers, as defined in
11 ORS 133.005, or that prosecutes offenses.

12 [(3)] (4) "Public body" has the meaning given that term in ORS 174.109.

13 [(4)] (5) "Unmanned aircraft system" means an unmanned flying machine, commonly known as
14 a drone, and its associated elements, including communication links and the components that control
15 the machine.

16 [(5)] (6) "Warrant" means a warrant issued under ORS 133.525 to 133.703.

17 **SECTION 2. Section 3 of this 2019 Act is added to and made a part of ORS 837.300 to**
18 **837.390.**

19 **SECTION 3. A fire department may, for purposes of emergency incident response, oper-**
20 **ate an unmanned aircraft system, acquire information through the operation of an un-**
21 **manned aircraft system or disclose information acquired through the operation of an**
22 **unmanned aircraft system.**

23 **SECTION 4.** ORS 837.370 is amended to read:

24 837.370. (1) Except as provided in subsection (2) of this section, a person may not operate an
25 unmanned aircraft system over the boundaries of privately owned premises in a manner so as to
26 intentionally, knowingly or recklessly harass or annoy the owner or occupant of the privately owned
27 premises.

28 (2) Subsection (1) of this section does not apply to the use of an unmanned aircraft system by

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 a law enforcement agency under ORS 837.335 **or a fire department under section 3 of this 2019**
 2 **Act.**

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

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

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

9 (d) If the court imposes a sentence of probation for a violation under paragraph (c) of this sub-
 10 section, the court may order as a condition of probation that the person may not possess an un-
 11 manned aircraft system.

12 **SECTION 5.** ORS 837.372 is amended to read:

13 837.372. (1) As used in this section, “critical infrastructure facility” means any of the following
 14 facilities, if completely enclosed by a fence or other physical barrier that is obviously designed to
 15 exclude intruders, or if marked with a sign conspicuously posted on the property that indicates that
 16 entry is forbidden:

17 (a) A petroleum or alumina refinery;

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

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

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

23 (e) A natural gas compressor station;

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

25 (g) A telecommunications central switching office;

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

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

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

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

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

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

34 (n) A correctional facility or law enforcement facility.

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

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

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

41 (3) This section does not apply to:

42 (a) The federal government.

43 (b) A public body.

44 (c) A law enforcement agency **or fire department.**

45 (d) A person under contract with or otherwise acting under the direction or on behalf of the

1 federal government, a public body or a law enforcement agency **or fire department.**

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

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

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

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

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

10 **SECTION 6.** ORS 837.380 is amended to read:

11 837.380. (1) Except as provided in subsections (2) and (3) of this section, a person who owns or
12 lawfully occupies real property in this state may bring an action against any person or public body
13 that operates an unmanned aircraft system that is flown over the property if:

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

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

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

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

21 [(b)] (B) The unmanned aircraft system is in the process of taking off or landing[.]; **or**

22 **(b) The unmanned aircraft system is operated for purposes of emergency incident re-**
23 **sponse by a law enforcement agency or fire department.**

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

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

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

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

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