

Enrolled
Senate Bill 581

Sponsored by Senator PROZANSKI (Presession filed.)

CHAPTER

AN ACT

Relating to unmanned aircraft systems; creating new provisions; and amending ORS 837.360 and 837.374.

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

SECTION 1. ORS 837.374 is amended to read:

837.374. (1) A person commits a Class A violation if the person possesses or controls an unmanned aircraft system and recklessly causes the unmanned aircraft system to:

- [(1)] (a) Direct a laser at an aircraft while the aircraft is in the air;
- [(2)] (b) Crash into an aircraft while the aircraft is in the air; or
- [(3)] (c) Prevent the takeoff or landing of an aircraft.

(2) A person commits a Class A misdemeanor if the person possesses or controls an unmanned aircraft system and knowingly or intentionally causes the unmanned aircraft system to:

- (a) Direct a laser at an aircraft while the aircraft is in the air;**
- (b) Crash into an aircraft while the aircraft is in the air; or**
- (c) Prevent the takeoff or landing of an aircraft.**

(3) Notwithstanding subsection (1) of this section, a person commits a Class A misdemeanor if the person violates subsection (1) of this section and the person has one or more convictions under subsection (1) of this section at the time of the offense.

(4) In addition to and not in lieu of any other sentence the court may impose, upon a person's second or subsequent conviction under this section, the court shall, at the time of sentencing, declare the unmanned aircraft system used in the offense to be contraband and order that the unmanned aircraft system be forfeited.

SECTION 2. ORS 837.360 is amended to read:

837.360. (1) As used in this section, "educational institution" means an education service district, school district, public charter school, community college or public university listed in ORS 352.002.

[(1)] **(2)(a) A public body, other than an educational institution, may not operate an unmanned aircraft system in the airspace over this state without registering the unmanned aircraft system with the Oregon Department of Aviation.**

(b) An educational institution may not operate an unmanned aircraft system in the airspace over this state without registering as a user of unmanned aircraft systems with the department. The department may not require an educational institution to register individual unmanned aircraft systems under this section.

[(2)] **(3)** The Oregon Department of Aviation may impose a civil penalty of up to \$10,000 against a public body that violates subsection [(1)] **(2)** of this section.

[(3)] **(4)** Evidence obtained by a public body through the use of an unmanned aircraft system in violation of subsection [(1)] **(2)** of this section is not admissible in any judicial or administrative proceeding and may not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

[(4)] **(5)(a)** The Oregon Department of Aviation shall establish a registry of unmanned aircraft systems [*operated by public bodies*] **registered under subsection (2)(a) of this section** and may charge a fee sufficient to reimburse the department for the maintenance of the registry.

(b) The department may not charge a fee to an educational institution under this subsection.

[(5)] **(6)** The Oregon Department of Aviation shall require the following information for registration of an unmanned aircraft system **under subsection (2)(a) of this section**:

(a) The name of the public body that owns or operates the unmanned aircraft system.

(b) The name and contact information of the individuals who operate the unmanned aircraft system.

(c) Identifying information for the unmanned aircraft system as required by the department by rule.

[(6)] **(7)(a)** A public body that registers one or more unmanned aircraft systems under **subsection (2)(a) of this section** shall provide an annual report to the Oregon Department of Aviation that:

[(a)] **(A)** Summarizes the frequency of use of the unmanned aircraft systems by the public body during the preceding calendar year;

[(b)] **(B)** Summarizes the purposes for which the unmanned aircraft systems have been used by the public body during the preceding calendar year; and

[(c)] **(C)** Indicates how the public can access the policies and procedures established under ORS 837.362.

(b) The department shall adopt rules requiring an educational institution that registers as a user of unmanned aircraft systems under subsection (2)(b) of this section to maintain records of the educational institution's use of unmanned aircraft systems.

[(7)] **(8)** The State Aviation Board may adopt all rules necessary for the registration of unmanned aircraft systems in Oregon that are consistent with federal laws and regulations.

SECTION 3. The amendments to ORS 837.374 by section 1 of this 2019 Act apply to violations of ORS 837.374 occurring on or after the effective date of this 2019 Act.

Passed by Senate April 15, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 30, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State