

Drones - Unmanned Aircraft Systems (UAS)

There are many benefits in the use of drones or Unmanned Aircraft Systems (UAS) for state agencies and its employees. Some of these examples include infrastructure inspection, environmental compliance, natural resources monitoring, wildlife protection and research, hunting and anti-hunting monitoring, disaster relief, and law enforcement. A common factor in the benefits of using a drone is the reduction of risk to an individual who would normally be performing these tasks. However, the use of drones exposes the operator to a whole new set of risks including third-party damage, injury and liability.

Risks to Agencies

- Personal injury to the public and/or employees
- Repair or replacement costs of state property
- Damage to state property
- Third-party property damage
- Civil penalties and fines
- Higher agency risk charges due to increased claims



Insurance Coverage

The state's tort liability insurance coverage includes all authorized employees and volunteers while performing official duties at the state's direction and control. Coverage applies when traveling on official state business. Coverage is valid in the U.S., its possessions, territories and Canada.

For more information see the following Oregon Department of Administrative Services (DAS) Risk Management Self-Insurance policies.

[DAS Policy 125-7-101](#), *Property Self-Insurance Policy Manual*.

[DAS Policy 125-7-201](#), *Liability Self-Insurance Policy Manual*.

[DAS Policy 125-7-202](#), *Employee Liability Self-Insurance Policy Manual*.

Hedging Risk by Evaluating Six Basic Factors

When using or wanting to use an UAS, it is important to evaluate these six basic factors:

- What drone are you using or wanting to use?
- What are you using it for?
- Who is operating the aircraft?
- Where is the drone being operated?
- What is the background of the operator?



Federal Aviation Administration Safety Guidelines

The Federal Aviation Administration encourages these safety guidelines:

- FAA smartphone app offers current location maps and flying information - [B4UFLY](#)
- Fly below 400 feet and remain clear of surrounding obstacles
- Keep the aircraft within visual line of sight at all times
- Remain well clear of and do not interfere with manned aircraft operations

RiskWise



A Guide to
Controlling
Risk

Drones - Unmanned
Aircraft Systems
(UAS)

- Risks to Agencies
- Insurance Coverage
- Hedging Risk by Evaluating 6 Basic Factors
- FAA Safety Guidelines
- Oregon State Laws and UAS
- Public Operated UAS Registry
- Resources

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Safety Guidelines - Continued

- Don't fly within five miles of an airport unless contacting the airport and control tower before flying
- Don't fly near people or stadiums
- Don't be careless or reckless with your unmanned aircraft—fines are levied for endangering people or other aircraft



NO DRONE ZONE



Oregon State Laws and Unmanned Aircraft System (UAS)

Before operating an unmanned aircraft system in Oregon consider [ORS 837.300-837.998](#) and two House Bills which update the Oregon Revised Statutes:

- Oregon - [House Bill 4066](#); *Effective date*: March 29, 2016
 - A person commits a Class A misdemeanor if operating an UAS capable of firing a bullet, projectile or otherwise operating an UAS as a weapon.
 - A person commits a Class A violation if operating an UAS to direct a laser at an aircraft while it's in the air, to crash into an aircraft while it's in the air or to prevent takeoff or landing of an aircraft.
 - A public body may not operate an UAS in the airspace over the state of Oregon without registering the UAS with the Oregon Department of Aviation; Civil penalty may be imposed of up to \$10,000.
 - A public body shall establish policies and procedures for the use, storage, accessing, sharing and retention of data resulting from the operation of the UAS.
 - A person who lawfully occupies real property in this state may bring an action against any person or public body that operates an UAS that is flown over the property if the operator has flown the UAS over the property on at least one previous occasion and the person notified the operator not to fly the UAS over their property. However, a person may not bring an action against the operator if the UAS is in the process of taking off, landing or lawfully in a flight path for landing at an airfield.
 - Directs State Fish and Wildlife Commission to adopt rules that prohibit the use of drones for hunting, angling, harassing and tracking wildlife and interfering with lawful angling or hunting. The Act provides an exemption from the prohibition for the Oregon Department of Fish and Wildlife and its agents or contractors if the purpose is to benefit wildlife management or protect property.
- Oregon - [House Bill 2354](#); *Effective date*: January 1, 2016
 - A law enforcement agency may operate and disclose information acquired through the operation of an UAS if: a warrant is issued, there is probable cause, an individual has given written consent, used for search and rescue activities, assisting an individual in an emergency, a state of emergency is declared by the Governor under ORS chapter 401, related to a criminal investigation, or used for training.

Public Operated UAS Registry

A public operator of an UAS must complete a Certificate of Waiver or Authorization with the Federal Aviation Administration and register with the Oregon Department of Aviation.

- The Federal Aviation Administration requires a public operator to complete a [Certificate of Waiver or Authorization \(COA\)](#) that permits public agencies and organizations to operate a particular aircraft, for a particular purpose and in a particular area (60 to 90 days to process).
- [ORS 837.360](#) - A public body may not operate a drone in the airspace over this state without registering the drone with the Oregon Department of Aviation ([Oregon Aircraft/Drone Registration Form](#)).

Resources, Links and Information

- Hedging Risk by Evaluating 6 Basic Factors: [How Do Insurers Price Drone Risks?](#)
- Federal Aviation Administration: [Federal Aviation Administration Safety Guidelines](#) and FAA smartphone app [B4UFLY](#)
- Oregon State Laws: [ORS 837.300-837.998](#), [Oregon House Bill 4066](#) and [Oregon House Bill 2354](#)
- Federal Aviation Administration: [Certificate of Waiver or Authorization \(COA\)](#)
- Oregon Department of Aviation: [Oregon Aircraft/Drone Registration](#)

DAS RISK MANAGEMENT

www.oregon.gov/das/Risk/Pages/index.aspx

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