

D R A F T

SUMMARY

Imposes restrictions on use of drones by private parties and public entities. Creates various crimes for unauthorized use of drones. Punishes by maximum of 20 years' imprisonment, \$375,000 fine, or both.

Directs Department of State Police to establish registry of certain drones used by public bodies.

Permits Oregon Department of Aviation to issue licenses for use of drones.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to drones; and declaring an emergency.

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

4 **SECTION 1. As used in sections 1 to 7 of this 2013 Act:**

5 (1) "Airspace of Oregon" means the space above the ground that is
6 not part of airspace governed by federal law.

7 (2) "Drone" means an unmanned flying machine that is capable of:

8 (a) Capturing images of objects or people on the ground or in the
9 air;

10 (b) Intercepting communications on the ground or in the air; or

11 (c) Firing a bullet or other projectile.

12 (3) "Public body" has the meaning given in ORS 174.109.

13 **SECTION 2. (1) A person may not possess or control a drone unless**
14 **permitted to do so by the federal government or by the Oregon De-**
15 **partment of Aviation under section 7 of this 2013 Act.**

16 (2) A person who possesses or controls a drone in violation of sub-
17 section (1) of this section commits a Class B misdemeanor.

1 (3) A person who possesses or controls a drone in violation of sub-
2 section (1) of this section and uses the drone to capture an image of
3 a person or object on the ground or in the air commits a Class A
4 misdemeanor.

5 (4) A person who possesses or controls a drone in violation of sub-
6 section (1) of this section and uses the drone to fire a bullet or other
7 projectile commits a Class C felony.

8 (5) A person who possesses or controls a drone for the purpose of
9 hunting or stalking game commits a Class C felony.

10 (6) A person who possesses or controls a drone and causes the drone
11 to fire a bullet or other projectile at an aircraft while the aircraft is
12 in the air, or intentionally causes or attempts to cause the drone to
13 crash into an aircraft while the aircraft is in the air, commits a Class
14 A felony.

15 (7) A person who gains unauthorized control over a drone commits
16 a Class A misdemeanor.

17 SECTION 3. (1) A person who operates a drone in the airspace of
18 Oregon without permission from the Oregon Department of Aviation,
19 or from the person with the right to possession of the land below the
20 airspace, is guilty of a Class C misdemeanor.

21 (2) It is not a defense to a charge of violating this section that the
22 land below the airspace was not marked with a no-trespassing sign
23 or similar notice.

24 SECTION 4. (1) A public body may not operate a drone in the air-
25 space of Oregon without registering the drone with the Department
26 of State Police.

27 (2) The department may impose a civil penalty of up to \$10,000
28 against a public body that violates subsection (1) of this section. Any
29 penalty collected under this subsection shall be deposited in the
30 Criminal Injuries Compensation Account.

31 (3) Evidence obtained by a public body through the use of an drone

1 in violation of subsection (1) of this section is not admissible in any
2 judicial or administrative proceeding, and may not be used to establish
3 reasonable suspicion or probable cause to believe that an offense has
4 been committed.

5 (4) The department shall establish a registry of drones operated by
6 public bodies, and may charge a fee sufficient to reimburse the de-
7 partment for the maintenance of the registry.

8 (5) The department shall require the following information for reg-
9 istration of a drone:

10 (a) The name of the public body that owns or operates the drone.

11 (b) The name and contact information of the individuals operating
12 the drone.

13 (c) Identifying information for the drone as required by the de-
14 partment by rule.

15 SECTION 5. (1) Any person or public body that owns or exercises
16 control over a drone in Oregon that causes injury to person or prop-
17 erty is strictly liable for the injury.

18 (2) Any person who suffers injury to person or property caused by
19 a drone operated in violation of section 2, 3 or 4 of this 2013 Act is
20 entitled to damages from the person or public body that committed the
21 violation of not less than \$5,000 and an award of reasonable attorney
22 fees.

23 SECTION 6. In addition to any other remedies allowed by law, a
24 person who gains unauthorized control over a drone is liable to the
25 owner of the drone in an amount of not less than \$5,000. The court
26 shall award reasonable attorney fees to a prevailing plaintiff in an
27 action under this section.

28 SECTION 7. The Oregon Department of Aviation may issue licenses
29 to persons to operate drones in the airspace of Oregon for the purpose
30 of implementing section 2 of this 2013 Act.

31 SECTION 8. This 2013 Act being necessary for the immediate pres-

1 **ervation of the public peace, health and safety, an emergency is de-**
2 **clared to exist, and this 2013 Act takes effect on its passage.**

3
