

Edits suggested by Andy von Flotow, 18 Feb 2023

House Bill 2688

Sponsored by Representative OWENS, Senator FINDLEY; Representatives LEVY B, MORGAN, WRIGHT (at the request of Shaun Robertson) (Presession filed.)

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**.

Modifies provisions establishing civil action for property owner or occupier if person or public body flies unmanned aircraft system over property without permission.

privately-owned

A BILL FOR AN ACT

2 Relating to unmanned aircraft systems; creating new provisions; and amending ORS 837.380.

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

4 **SECTION 1.** ORS 837.380 is amended to read:

despite the property owner or occupier having requested that such overflight not be executed

5 837.380. (1) Except as provided in subsections (2) ~~and (3)~~ **to (4)** of this section, a person who
6 owns or lawfully occupies real property in this state may bring an action against any person or
7 public body that operates an unmanned aircraft system that is flown over the property ~~without the~~
8 ~~permission of the property owner or occupier.~~*[if:]*

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

subsequent to having received a request not to do so

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

and

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

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

has

or departure

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

17 (3) A person may not bring an action under this section if the unmanned aircraft system is op-
18 erated for commercial purposes in compliance with authorization granted by the Federal Aviation
19 Administration. This subsection does not preclude a person from bringing another civil action, in-
20 cluding but not limited to an action for invasion of privacy or an action for invasion of personal
21 privacy under ORS 30.831.

22 **(4) A person may not bring an action under this section if the flight of the unmanned**
23 **aircraft system over the property is authorized under ORS 837.320, 837.335 or 837.340.**

24 *[(4)]* **(5)** A prevailing plaintiff may recover treble damages for any injury to the person or the
25 property by reason of a trespass by an unmanned aircraft system as described in this section, and
26 may be awarded injunctive relief in the action.

27 *[(5)]* **(6)** A prevailing plaintiff may recover attorney fees under ORS 20.080 if the amount pleaded
28 in an action under this section is \$10,000 or less.

29 *[(6)]* **(7)** The Attorney General, on behalf of the State of Oregon, may bring an action or claim
30 for relief alleging nuisance or trespass arising from the operation of an unmanned aircraft system
31 in the airspace over this state. A court shall award reasonable attorney fees to the Attorney Gen-

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.

Do not omit 1a nor 1b. Instead, edit as I have suggested

1 eral if the Attorney General prevails in an action under this section.

2 **SECTION 2. The amendments to ORS 837.380 by section 1 of this 2023 Act applies to**
3 **flights over property occurring on or after the effective date of this 2023 Act.**

4
