

**SB 470 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Meeting Dates:** 2/3

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**WHAT THE MEASURE DOES:**

The measure prohibits a transient lodging provider or intermediary from making audio or video recordings of an occupant in areas where the occupant has a reasonable expectation of privacy, including a sleeping area or bathroom space or any space that is not a common area. The measure provides remedies under the Unlawful Trade Practices Act, including a private right of action for an ascertainable loss of money or property. The measure takes effect on the 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

In Oregon, a person can bring a common law claim for intrusion upon seclusion, a type of invasion of privacy tort, for intentional intrusion upon the person's solitude or seclusion or private affairs or concerns that would be highly offensive to a reasonable person. *Mauri v. Smith*, 324 Or. 476, 482, 929 P.2d 307 (1996). Remedies for common law tort claims can include monetary damages for personal injury, property damage, and emotional distress, as well as punitive damages and equitable relief, but not the person's attorney fees. The Unlawful Trade Practices Act (UTPA) authorizes a prosecuting attorney to issue investigative demands, seek monetary restitution, and bring suit to enjoin violations of the UTPA, as applicable. The UTPA also provides a private right of action for violations listed in ORS 646.608, if the person suffers an ascertainable loss of money or property as a result of the unlawful act. If successful, the person can be awarded the greater of their economic loss or \$200, and attorney's fees and costs, but not emotional distress damages.