

SB 470 A STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/24, 4/29

WHAT THE MEASURE DOES:

The measure provides a right of action against a transient lodging provider or transient lodging intermediary that makes or transmits a visual image or recording or audio of an occupant in a private space without the occupant's consent.

Detailed Summary

- Defines transient lodging, transient lodging provider and transient lodging intermediary.
- Defines a private space to include:
 - a bedroom, sleeping area, bathroom, washroom or like spaces
 - any areas that are not common areas or otherwise open to free or uninvited access of the provider, occupants of other units, or visitors.
- Includes capturing, making, storing, transferring, transmitting, and broadcasting as acts covered by the measure, as well as intentionally permitting another person to do those acts.
- Provides a right of action for invasion of personal privacy under ORS 30.831 for violations, permitting recovery of compensatory damages and attorney fees.
- Adds 'images' to provisions of ORS 30.831 regarding visual recordings, to include still images.
- Defines 'visual image or recording' to include transmission that is immediate or delayed in any medium.
- Takes effect on the 91st day following adjournment sine die.

FISCAL: Has minimal fiscal impact

REVENUE: Has minimal revenue impact

SENATE VOTE: Ayes, 29; Nays, 0

ISSUES DISCUSSED:

- Long-term versus short-term rentals
- Criminal penalties for invasion of privacy

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. ORS 30.831 currently provides a right of action against a defendant who recorded, observed, or disseminated the plaintiff in a state of nudity and in a place and circumstance the plaintiff had a reasonable expectation of privacy, or a defendant who viewed or made recordings of an intimate area of the plaintiff without consent. ORS 30.831 allows a prevailing plaintiff to recover compensatory damages and attorney fees.