

SB 470 A STAFF MEASURE SUMMARY**Carrier:** Rep. Chotzen**House Committee On Judiciary****Action Date:** 05/15/25**Action:** Do Pass the A-Eng bill.**Vote:** 7-0-1-0**Yeas:** 7 - Andersen, Chaichi, Chotzen, Kropf, Lewis, Tran, Wallan**Exc:** 1 - Mannix**Fiscal:** Has minimal fiscal impact**Revenue:** Has minimal revenue impact**Prepared By:** Tisha Pascone, LPRO Analyst**Meeting Dates:** 4/24, 5/15**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; and
 - any areas that are not common areas or otherwise open to free or uninvited access of the provider, occupants of other units, or visitors.
- Covers capturing, making, storing, transferring, transmitting, and broadcasting a visual image or recording or audio, 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.

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 (1) made or disseminated a visual recording of the plaintiff in a state of nudity without consent and in a place and circumstance the plaintiff had a reasonable expectation of privacy, or (2) for the purposes of sexual arousal or gratification of the defendant observed the plaintiff in a state of nudity and in a place and circumstance the plaintiff had a reasonable

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expectation of privacy, or (3) for the purpose of sexual arousal or gratification of any person, viewed or made a visual recording of an intimate area of the plaintiff without consent. ORS 30.831 allows a prevailing plaintiff to recover compensatory damages and attorney fees.

ORS 30.833 allows a person or their parent or guardian to file a civil action against a defendant whose actions meet the elements of the crime of unlawful dissemination of an intimate image in ORS 163.472, regardless of whether the crime has been prosecuted. A person commits the crime of unlawful dissemination of an intimate image if the person, with the intent to harass, humiliate, or injure another person, (1) knowingly causes an image to be disclosed of the other person whose intimate parts are visible or who is engaged in sexual conduct, (2) reasonably should have known the disclosure was without consent, (3) the other person was harassed, humiliated or injured by the disclosure, and (4) a reasonable person would be harassed, humiliated or injured by the disclosure. In a civil action under ORS 30.833, the plaintiff may recover statutory damages, economic and emotional distress damages, the wrongdoer's economic gain, punitive damages, and attorney fees.