

## Enrolled Senate Bill 470

Sponsored by Senator PROZANSKI; Senator MANNING JR, Representatives ANDERSEN, CHOTZEN, DOBSON, FRAGALA, GAMBA, GOMBERG, GRAYBER, HARTMAN, HUDSON, JAVADI, MCDONALD, NATHANSON, NOSSE, TRAN, WALTERS, WATANABE (Presession filed.)

CHAPTER .....

AN ACT

Relating to recordings of occupants of transient lodging; amending ORS 30.831; and prescribing an effective date.

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

**SECTION 1.** ORS 30.831 is amended to read:

30.831. (1) A plaintiff has a cause of action for invasion of personal privacy if the plaintiff establishes any of the following:

(a) The defendant knowingly made or recorded a photograph, motion picture, videotape or other visual **image or** recording of the plaintiff in a state of nudity without the consent of the plaintiff, and at the time the visual **image or** recording was made or recorded the plaintiff was in a place and circumstances where the plaintiff had a reasonable expectation of personal privacy.

(b) For the purpose of arousing or gratifying the sexual desire of the defendant, the defendant was in a location to observe the plaintiff in a state of nudity without the consent of the plaintiff, and the plaintiff was in a place and circumstances where the plaintiff had a reasonable expectation of personal privacy.

(c) For the purpose of arousing or gratifying the sexual desire of any person, the defendant knowingly:

(A) Made or recorded a photograph, motion picture, videotape or other visual **image or** recording of an intimate area of the plaintiff without the consent of the plaintiff; or

(B) Viewed an intimate area of the plaintiff without the consent of the plaintiff.

(d) Without the consent of the plaintiff, the defendant disseminated a photograph, motion picture, videotape or other visual **image or** recording of the plaintiff in a state of nudity, and the defendant knew that at the time the visual **image or** recording was made or recorded the plaintiff was in a place and circumstances where the plaintiff had a reasonable expectation of personal privacy.

**(e) The defendant is a transient lodging provider or transient lodging intermediary and without the consent of the plaintiff captures, makes, stores, transfers, transmits or broadcasts, or intentionally permits another person to capture, make, store, transfer, transmit or broadcast, a visual image or recording or audio of the plaintiff while the plaintiff occupies a private space within transient lodging that is under the defendant's ownership or control.**

(2) A plaintiff who prevails in a cause of action for invasion of personal privacy under this section is entitled to receive:

- (a) Compensatory damages; and
- (b) Reasonable attorney fees.
- (3) An action under this section must be commenced not later than two years after the conduct that gives rise to a claim for relief occurred.
- (4) The remedy provided by this section is in addition to, and not in lieu of, any other claim for relief that may be available to a plaintiff by reason of conduct of a defendant described in subsection (1) of this section.
- (5) The provisions of subsection (1)(a) and (d) of this section do not apply to a photograph, motion picture, videotape or other visual **image or** recording of a person under 12 years of age if:
  - (a) The person who makes, records or disseminates the visual **image or** recording is the father, mother, sibling, grandparent, aunt, uncle or first cousin, by blood, adoption or marriage, of the person under 12 years of age; and
  - (b) The visual **image or** recording is made, recorded or disseminated for a purpose other than arousing or gratifying the sexual desire of the person or another person.
- (6) As used in this section:
  - (a) **“Audio” means speech or other sound that a person makes intentionally and for an expressive purpose.**
  - [(a)] (b) **“Intimate area” means:**
    - (A) Undergarments that are being worn by a person, are covered by clothing and are intended to be protected from being seen; and
    - (B) Any of the following that are covered by clothing and are intended to be protected from being seen:
      - (i) Genitals;
      - (ii) Pubic areas; or
      - (iii) Female breasts below the point immediately above the top of the areola.
  - [(b)] (c) **“Made or recorded a photograph, motion picture, videotape or other visual image or recording” includes, but is not limited to, making or recording or employing, authorizing, permitting, compelling or inducing another person to make or record a photograph, motion picture, videotape or other visual image or recording.**
  - [(c)] (d) **“Nudity” means any part of the uncovered or less than opaquely covered:**
    - (A) Genitals;
    - (B) Pubic area; or
    - (C) Female breast below a point immediately above the top of the areola.
  - [(d)] (e) **“Places and circumstances where the plaintiff has a reasonable expectation of personal privacy” includes, but is not limited to, a bathroom, dressing room, locker room that includes an enclosed area for dressing or showering, tanning booth and any area where a person undresses in an enclosed space that is not open to public view.**
  - (f) **“Private space” means:**
    - (A) **A bedroom or other area that a person would ordinarily use for sleeping;**
    - (B) **A bathroom, washroom, water closet or other area in which a person can perform private bodily functions or attend to private bodily needs; or**
    - (C) **Other areas that are not common areas of transient lodging or are not otherwise open to free or uninvited access by the transient lodging provider, occupants of other dwelling units within the transient lodging or visitors to the transient lodging.**
  - [(e)] (g) **“Public view” means that an area can be readily seen and that a person within the area can be distinguished by normal unaided vision when viewed from a public place as defined in ORS 161.015.**
  - (h) **“Transient lodging” means:**
    - (A) **A hotel, motel, inn or other dwelling unit that is used for temporary human occupancy; or**

(B) A house, cabin, condominium, apartment unit or other dwelling unit, or a portion of a house, cabin, condominium, apartment unit or other dwelling unit, that is used for temporary human occupancy.

(i) "Transient lodging intermediary" has the meaning given that term in ORS 320.300.

(j) "Transient lodging provider" means a person that provides transient lodging in return for compensation.

(k) "Visual image or recording" means a still or moving picture, taken or recorded by means of a mechanical or electronic camera or similar device that can capture and render a realistic and accurate facsimile of a person's appearance for storage and later reproduction or for immediate or delayed transmission via any medium, including the Internet.

**SECTION 2.** This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by Senate March 25, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 29, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State