



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

States' Unmanned Aerial Vehicle Laws: *Oregon*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Unmanned Aerial Vehicle Laws: Oregon

OR ST § 163.700

OR ST § 837.365

OR ST § 837.370

OR ST § 837.374

OR ST § 837.995

Current through November 17, 2022

OR ST § 163.700 Invasion of Privacy in the Second Degree

(1) Except as provided in ORS 163.702, a person commits the crime of invasion of personal privacy in the second degree if:

- (a) (A) For the purpose of arousing or gratifying the sexual desire of the person, the person is in a location to observe another person in a state of nudity without the consent of the other person; and
- (B) The other person is in a place and circumstances where the person has a reasonable expectation of personal privacy; or
- (b) (A) The person knowingly makes or records a photograph, motion picture, videotape or other visual recording of another person's intimate area without the consent of the other person; and
- (B) The person being recorded has a reasonable expectation of privacy concerning the intimate area.

(2) As used in this section and ORS 163.701:

- (a) "Intimate area" means nudity, or undergarments that are being worn by a person and are covered by clothing.
- (b) "Makes or records a photograph, motion picture, videotape or other visual recording" includes, but is not limited to:
 - (A) Making or recording or employing, authorizing, permitting, compelling or inducing another person to make or record a photograph, motion picture, videotape or other visual recording.
 - (B) Making or recording a photograph, motion picture, videotape or other visual recording through the use of an unmanned aircraft system as defined in ORS 837.300, even if the unmanned aircraft system is operated for commercial purposes in compliance with authorization granted by the Federal Aviation Administration.
- (c) "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) “Places and circumstances where the person 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.
 - (e) “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.
 - (f) “Reasonable expectation of privacy concerning the intimate area” means that the person intended to protect the intimate area from being seen and has not exposed the intimate area to public view.
- (3) Invasion of personal privacy in the second degree is a Class A misdemeanor.

OR ST § 837.365 Operation of Weaponized Unmanned Aircraft System

- (1) Except as provided in subsection (3) of this section, a person may not intentionally, knowingly or recklessly operate or cause to be operated an unmanned aircraft system that is:
- (a) Capable of firing a bullet or projectile; or
 - (b) Specifically designed or modified to cause, and is presently capable of causing, serious physical injury as defined in ORS 161.015.
- (2) (a) Except as provided in paragraphs (b) and (c) of this subsection, violation of subsection (1) of this section is a Class A misdemeanor.
- (b) Violation of subsection (1) of this section is a Class C felony if the person intentionally, knowingly or recklessly operates an unmanned aircraft system and the unmanned aircraft system fires a bullet or projectile.
- (c) Violation of subsection (1) of this section is a Class B felony if the person intentionally, knowingly or recklessly operates an unmanned aircraft system and the unmanned aircraft system:
- (A) Fires a bullet or projectile that causes serious physical injury, as defined in ORS 161.015, to another person; or
 - (B) (i) Is specifically designed or modified to cause, and is presently capable of causing, serious physical injury as defined in ORS 161.015; and
 - (ii) The design or modification causes serious physical injury, as defined in ORS 161.015, to another person.
- (3) Subsection (1) of this section does not apply if:
- (a) The person uses the unmanned aircraft system to release, discharge, propel or eject a nonlethal projectile for purposes other than to injure or kill persons or animals;
 - (b) The person uses the unmanned aircraft system for nonrecreational purposes in compliance with specific authorization from the Federal Aviation Administration;



- (c) The person notifies the Oregon Department of Aviation, the Oregon State Police and any other agency that issues a permit or license for the activity requiring the use of the unmanned aircraft system of the time and location at which the person intends to use an unmanned aircraft system that is capable of releasing, discharging, propelling or ejecting a projectile at least five days before the person uses the system;
 - (d) If the person intends to use an unmanned aircraft system that is capable of releasing, discharging, propelling or ejecting a projectile in an area open to the public, the person provides reasonable notice to the public of the time and location at which the person intends to use the unmanned aircraft system; and
 - (e) The person maintains a liability insurance policy in an amount not less than \$1 million that covers injury resulting from use of the unmanned aircraft system.
- (4) The notification requirement of subsection (3)(c) of this section does not apply to:
- (a) A career school licensed under ORS 345.010 to 345.450;
 - (b) A community college as defined in ORS 341.005;
 - (c) A school;
 - (d) The Oregon Health and Science University;
 - (e) A public university listed in ORS 352.002; or
 - (f) An institution that is exempt from ORS 348.594 to 348.615 under ORS 348.597 (2).
- (5) Notwithstanding subsection (3) of this section, a person may not use an unmanned aircraft system that is capable of releasing, discharging, propelling or ejecting a projectile for purposes of crowd management.
- (6) As used in this section, “school” means a public or private institution of learning providing instruction at levels kindergarten through grade 12, or their equivalents.

OR ST § 837.370 Operation of Unmanned Aircraft System Over Privately Owned Premises

- (1) Except as provided in subsection (2) of this section, a person may not operate an unmanned aircraft system over the boundaries of privately owned premises in a manner so as to intentionally, knowingly or recklessly harass or annoy the owner or occupant of the privately owned premises.
- (2) Subsection (1) of this section does not apply to the use of an unmanned aircraft system by a law enforcement agency under ORS 837.335.
- (3) (a) Except as provided in paragraphs (b) and (c) of this subsection, violation of subsection (1) of this section is a Class B violation.
(b) If, at the time of the offense, the person has one prior conviction under this section, violation of subsection (1) of this section is a Class A violation.



(c) If, at the time of the offense, the person has two or more prior convictions under this section, violation of subsection (1) of this section is a Class B misdemeanor.

(d) If the court imposes a sentence of probation for a violation under paragraph (c) of this subsection, the court may order as a condition of probation that the person may not possess an unmanned aircraft system.

OR ST § 837.374 Reckless Interference with Aircraft; Penalty

(1) A person commits a Class A violation if the person possesses or controls an unmanned aircraft system and recklessly causes the unmanned aircraft system to:

- (a) Direct a laser at an aircraft while the aircraft is in the air;
- (b) Crash into an aircraft while the aircraft is in the air; or
- (c) Prevent the takeoff or landing of an aircraft.

(2) A person commits a Class A misdemeanor if the person possesses or controls an unmanned aircraft system and knowingly or intentionally causes the unmanned aircraft system to:

- (a) Direct a laser at an aircraft while the aircraft is in the air;
- (b) Crash into an aircraft while the aircraft is in the air; or
- (c) Prevent the takeoff or landing of an aircraft.

(3) Notwithstanding subsection (1) of this section, a person commits a Class A misdemeanor if the person violates subsection (1) of this section and the person has one or more convictions under subsection (1) of this section at the time of the offense.

(4) In addition to and not in lieu of any other sentence the court may impose, upon a person's second or subsequent conviction under this section, the court shall, at the time of sentencing, declare the unmanned aircraft system used in the offense to be contraband and order that the unmanned aircraft system be forfeited.

OR ST § 837.995 Prohibited Acts Involving Unmanned Aircraft Systems; Criminal Penalties

(1) A person commits a Class A felony if the person possesses or controls an unmanned aircraft system and intentionally causes, or attempts to cause, the unmanned aircraft system to:

- (a) Fire a bullet or other projectile at an aircraft while the aircraft is in the air;
- (b) Direct a laser at an aircraft while the aircraft is in the air; or
- (c) Crash into an aircraft while the aircraft is in the air.

(2) A person who intentionally interferes with, or gains unauthorized control over, an unmanned aircraft system licensed by the Federal Aviation Administration, or operated by the Armed Forces of the United States as defined in ORS



352.313, an agency of the United States or a federal, state or local law enforcement agency, commits a Class C felony.

