



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 § 837.372

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 § 837.372 Operation of Unmanned Aircraft System Near Critical Infrastructure Facility

(1) As used in this section, “critical infrastructure facility” means any of the following facilities, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if marked with a sign conspicuously posted on the property that indicates that entry is forbidden:

- (a) A petroleum or alumina refinery;
- (b) An electrical power generating facility, substation, switching station or electrical control center;
- (c) A chemical, polymer or rubber manufacturing facility;
- (d) A water intake structure, water treatment facility, wastewater treatment plant or pump station;
- (e) A natural gas compressor station;
- (f) A liquid natural gas terminal or storage facility;
- (g) A telecommunications central switching office;
- (h) A port, railroad switching yard, trucking terminal or other freight transportation facility;
- (i) A gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas;
- (j) A transmission facility used by a federally licensed radio or television station;
- (k) A steelmaking facility that uses an electric arc furnace to make steel;
- (L) A dam that is classified as a high hazard by the Water Resources Department;
- (m) Any portion of an aboveground oil, gas or chemical pipeline that is enclosed by a fence or other physical barrier that is obviously designed to exclude intruders; or
- (n) A correctional facility or law enforcement facility.

(2) Except as provided in subsection (3) of this section, a person commits a Class A violation if the person intentionally or knowingly:

- (a) Operates an unmanned aircraft system over a critical infrastructure facility at an altitude not higher than 400 feet above ground level; or



- (b) Allows an unmanned aircraft system to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility.
- (3) This section does not apply to:
 - (a) The federal government.
 - (b) A public body.
 - (c) A law enforcement agency.
 - (d) A person under contract with or otherwise acting under the direction or on behalf of the federal government, a public body or a law enforcement agency.
 - (e) An owner or operator of the critical infrastructure facility.
 - (f) A person who has the prior written consent of the owner or operator of the critical infrastructure facility.
 - (g) The owner or occupant of the property on which the critical infrastructure facility is located.
 - (h) A person who has the prior written consent of the owner or occupant of the property on which the critical infrastructure facility is located.
 - (i) A person operating an unmanned aircraft system for commercial purposes in compliance with authorization granted by the Federal Aviation Administration.

