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States' Unmanned Aerial Vehicle Laws: *Oregon*



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States' Unmanned Aerial Vehicle Laws: Oregon

OR ST § 164.885
OR ST § 837.300
OR ST § 837.360
OR ST § 837.375
OR ST § 837.380
OR ST § 837.385
OAR 213-017-0004
OAR 213-018-0110
OAR 738-080-0015
OAR 738-080-0020
OAR 738-080-0045
OAR 738-140-0025

Current through November 20, 2022

OR ST § 164.885 Endangering Aircraft

- (1) A person commits the crime of endangering aircraft in the first degree if the person knowingly:
- (a) Throws an object at, or drops an object upon, an aircraft;
 - (b) Discharges a bow and arrow, gun, airgun or firearm at or toward an aircraft;
 - (c) Tampers with an aircraft or a part, system, machine or substance used to operate an aircraft in such a manner as to impair the safety, efficiency or operation of an aircraft without the consent of the owner, operator or possessor of the aircraft; or
 - (d) Places, sets, arms or causes to be discharged a spring gun, trap, explosive device or explosive material with the intent of damaging, destroying or discouraging the operation of an aircraft.
- (2) (a) Except as provided in paragraph (b) of this subsection, a person commits the crime of endangering aircraft in the second degree if the person knowingly possesses a firearm or deadly weapon in a restricted access area of a commercial service airport that has at least 2 million passenger boardings per calendar year.
- (b) Paragraph (a) of this subsection does not apply to a person authorized under federal law or an airport security program to possess a firearm or deadly weapon in a restricted access area.



- (3) (a) Endangering aircraft in the first degree is a Class C felony.
- (b) Endangering aircraft in the second degree is a Class A misdemeanor.
- (4) As used in this section:
 - (a) “Aircraft” does not include an unmanned aircraft system as defined in ORS 837.300.
 - (b) “Restricted access area” means an area of a commercial service airport that is:
 - (A) Designated as restricted in the airport security program approved by the federal Transportation Security Administration; and
 - (B) Marked at points of entry with signs giving notice that access to the area is restricted.

OR ST § 837.300 Definitions

As used in ORS 837.300 to 837.390 and 837.995:

- (1) “Aircraft” has the meaning given that term in ORS 836.005.
- (2) “Law enforcement agency” means an agency that employs peace officers, as defined in ORS 133.005, or that prosecutes offenses.
- (3) “Public body” has the meaning given that term in ORS 174.109.
- (4) “Unmanned aircraft system” means an unmanned flying machine, commonly known as a drone, and its associated elements, including communication links and the components that control the machine.
- (5) “Warrant” means a warrant issued under ORS 133.525 to 133.703.

OR ST § 837.360 Registration of Unmanned Aircraft Systems

- (1) As used in this section, “educational institution” means an education service district, school district, public charter school, community college or public university listed in ORS 352.002.
- (2) (a) A public body, other than an educational institution, may not operate an unmanned aircraft system in the airspace over this state without registering the unmanned aircraft system with the Oregon Department of Aviation.
- (b) An educational institution may not operate an unmanned aircraft system in the airspace over this state without registering as a user of unmanned aircraft systems with the department. The department may not require an educational institution to register individual unmanned aircraft systems under this section.
- (3) The Oregon Department of Aviation may impose a civil penalty of up to \$10,000 against a public body that violates subsection (2) of this section.
- (4) Evidence obtained by a public body through the use of an unmanned aircraft system in violation of subsection (2) of this section is not admissible in any judicial or administrative proceeding and may not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.
- (5) (a) The Oregon Department of Aviation shall establish a registry of unmanned aircraft systems registered under subsection (2)(a) of this



- section and may charge a fee sufficient to reimburse the department for the maintenance of the registry.
- (b) The department may not charge a fee to an educational institution under this subsection.
- (6) The Oregon Department of Aviation shall require the following information for registration of an unmanned aircraft system under subsection (2)(a) of this section:
- (a) The name of the public body that owns or operates the unmanned aircraft system.
 - (b) The name and contact information of the individuals who operate the unmanned aircraft system.
 - (c) Identifying information for the unmanned aircraft system as required by the department by rule.
- (7) (a) A public body that registers one or more unmanned aircraft systems under subsection (2)(a) of this section shall provide an annual report to the Oregon Department of Aviation that:
- (A) Summarizes the frequency of use of the unmanned aircraft systems by the public body during the preceding calendar year;
 - (B) Summarizes the purposes for which the unmanned aircraft systems have been used by the public body during the preceding calendar year; and
 - (C) Indicates how the public can access the policies and procedures established under ORS 837.362.
- (b) The department shall adopt rules requiring an educational institution that registers as a user of unmanned aircraft systems under subsection (2)(b) of this section to maintain records of the educational institution's use of unmanned aircraft systems.
- (8) The State Aviation Board may adopt all rules necessary for the registration of unmanned aircraft systems in Oregon that are consistent with federal laws and regulations.

OR ST § 837.375 Civil Penalties

In addition to any other remedies allowed by law, 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, is liable to the owner of the unmanned aircraft system in an amount of not less than \$5,000. The court shall award reasonable attorney fees to a prevailing plaintiff in an action under this section.

OR ST § 837.380 Low Flying Unmanned Aircraft Systems; Action for Damages



- (1) Except as provided in subsections (2) and (3) of this section, a person who owns or lawfully occupies real property in this state may bring an action against any person or public body that operates an unmanned aircraft system that is flown over the property if:
 - (a) The operator of the unmanned aircraft system has flown the unmanned aircraft system over the property on at least one previous occasion; and
 - (b) The person notified the owner or operator of the unmanned aircraft system that the person did not want the unmanned aircraft system flown over the property.
- (2) A person may not bring an action under this section if:
 - (a) The unmanned aircraft system is lawfully in the flight path for landing at an airport, airfield or runway; and
 - (b) The unmanned aircraft system is in the process of taking off or landing.
- (3) A person may not bring an action under this section if the unmanned aircraft system is operated for commercial purposes in compliance with authorization granted by the Federal Aviation Administration. This subsection does not preclude a person from bringing another civil action, including but not limited to an action for invasion of privacy or an action for invasion of personal privacy under ORS 30.831.
- (4) A prevailing plaintiff may recover treble damages for any injury to the person or the property by reason of a trespass by an unmanned aircraft system as described in this section, and may be awarded injunctive relief in the action.
- (5) A prevailing plaintiff may recover attorney fees under ORS 20.080 if the amount pleaded in an action under this section is \$10,000 or less.
- (6) The Attorney General, on behalf of the State of Oregon, may bring an action or claim for relief alleging nuisance or trespass arising from the operation of an unmanned aircraft system in the airspace over this state. A court shall award reasonable attorney fees to the Attorney General if the Attorney General prevails in an action under this section.

OR ST § 837.385 Preemption of Local Regulations

Except as expressly authorized by state statute, the authority to regulate the ownership or operation of unmanned aircraft systems is vested solely in the Legislative Assembly. Except as expressly authorized by state statute, a local government, as defined ORS 174.116, may not enact an ordinance or resolution that regulates the ownership or operation of unmanned aircraft systems or otherwise engage in the regulation of the ownership or operation of unmanned aircraft systems.

OAR 213-017-0004 Crime Category 8



The following offenses are classified at crime category 8 on the Crime Seriousness Scale:

- (1) CONTROLLED SUBSTANCE AND AGGRAVATED DRUG OFFENSES (See division 19).
- (2) CANNABIS OFFENSES -- See division 21.
- (3) ORS 163.125 -- MANSLAUGHTER II -- (B). (If not categorized at CC 9.)
- (4) ORS 163.145 -- NEGLIGENT HOMICIDE -- (B). (If not categorized at CC 9.)
- (5) ORS 163.165 -- ASSAULT III -- (B). If offense resulted from operation of a motor vehicle and defendant was the driver of the motor vehicle and was driving while under the influence of intoxicants; otherwise CC 6.
- (6) ORS 163.207 -- FEMALE GENITAL MUTILIATION -- (B).
- (7) ORS 163.365 -- RAPE II -- (B).
- (8) ORS 163.395 -- SODOMY II -- (B).
- (9) ORS 163.408 -- SEXUAL PENETRATION II -- (B).
- (10) ORS 163.425(1)(a) -- SEXUAL ABUSE II -- (C). If victim incapable of consent because under age 18, offender is age 21 or older, and offender was victim's coach prior to offense; otherwise CC 7.
- (11) ORS 163.427 -- SEXUAL ABUSE I -- (B).
- (12) ORS 163.433 -- ONLINE SEXUAL CORRUPTION OF A CHILD I -- (B).
- (13) ORS 163.537 -- BUYING/SELLING THE CUSTODY OF A MINOR -- (B). If the conduct is likely to endanger the health or welfare of the child, otherwise CC 5.
- (14) ORS 163.670 -- USING CHILD IN DISPLAY OF SEXUAL CONDUCT -- (A).
- (15) ORS 163.684 -- ENCOURAGING CHILD SEX ABUSE I -- (B).
- (16) ORS 163.732 -- STALKING -- (C).
- (17) ORS 163.750 -- VIOLATE COURT STALKING ORDER -- (C).
- (18) ORS 164.225 -- BURGLARY I -- (A). If offender did not cause, threaten or attempt physical injury and was not armed with a deadly weapon (CC 9) but the offense was committed while the dwelling was occupied; otherwise CC 7.
- (19) ORS 164.325 -- ARSON I -- (A). If the offense did not represent a threat of serious physical injury (CC 10) and economic loss is \$25,000 or more but less than \$50,000; otherwise CC 9 or CC 7.
- (20) ORS 164.877(3) -- TREE SPIKING-INJURY -- (B).
- (21) ORS 166.275 -- INMATE POSSESSION OF WEAPON -- (A). If firearm, otherwise CC 7.
- (22) ORS 167.012 -- PROMOTING PROSTITUTION -- (C).
- (23) ORS 167.017 -- COMPELLING PROSTITUTION -- (B).
- (24) ORS 167.262 -- USING A MINOR IN CONTROLLED SUBSTANCE OFFENSE -- (A). CC 4 if minor less than 3 yrs. younger than offender.
- (25) ORS 811.705 -- HIT & RUN VEHICLE (DEATH/SERIOUS INJURY) -- (B). See OAR 213-018-0038(3).



(26) ORS 837.365(2)(c) -- UNLAWFUL OPERATION OF WEAPONIZED UNMANNED AIRCRAFT SYSTEM -- (B).

OAR 213-018-0110 Unlawful Operation of Weaponized Unmanned Aircraft System (ORS 837.365(2))

Unlawful Operation of Weaponized Unmanned Aircraft System shall be ranked as follows:

- (1) CRIME CATEGORY 8: If offender intentionally, knowingly, or recklessly operated an unmanned aircraft system in a manner that caused the system to function as a dangerous weapon and the operation caused serious physical injury to another.
- (2) CRIME CATEGORY 6: If offender intentionally, knowingly, or recklessly operates an unmanned aircraft system:
 - (a) To fire a bullet or projectile; or
 - (b) In a manner that causes the system to function as a dangerous weapon.

OAR 738-080-0015 Definitions

- (1) "Aircraft" means any contrivance used or designed for navigation of flight in the air. Examples include, but are not limited to, airplane or rotorcraft (helicopter, gyrocopter or autogyro). Aircraft specifically does not mean a one-person motorless glider that is launched from the earth's surface solely by the operator's power.
- (2) "Commercial Use" means the conduct of aeronautical activity by means of business, concession, operation, or agency in order to provide goods or services to any person for compensation or hire. An activity for compensation or hire is considered a commercial activity regardless of whether the business is for-profit, nonprofit, charitable, or tax-exempt.
- (3) "Department" means the Oregon Department of Aviation (ODA).
- (4) "Educational Institution" has the same meaning given that term in ORS 837.360(1).
- (5) "Manned Aircraft" means an aircraft or spacecraft transporting or operated by direct physical contact from a human or humans.
- (6) "Model Aircraft" means an aircraft that is operated purely for recreational or hobby purposes without the possibility of direct human intervention from within or on the aircraft.
- (7) "Private Use Aircraft" means aircraft operated by citizens, not operated for profit, and not owned or operated by a public body.
- (8) "Public Body" has the same meaning given that term in ORS 837.300(3).
- (9) "Public Use Aircraft" means aircraft under control of and in operation by a public body, excluding military or federal government aircraft.



(10) “Recreational Aircraft” means aircraft that is operated purely for recreational or hobby purposes, not operated for profit, and not by a public body.

(11) “Unmanned Aircraft System” (UAS) has the same meaning given that term in ORS 837.300(4).

OAR 738-080-0020 Federal Aircraft and UAS

All Civil Air Patrol aircraft and UAS controlled by the Oregon Wing, and used primarily for search and rescue training exercises or missions, shall be registered in accordance with applicable state statutes with the exception that the annual Oregon aircraft or UAS registration fee will not be required. All aircraft and UAS owned and controlled by the United States Federal Government are exempt from Oregon aircraft registration.

OAR 738-080-0045 Public Body Registration of Unmanned Aircraft System (UAS)

(1) Before flying any UAS, a public body, other than an educational institution shall register the UAS with the Department.

(a) Prior to registration with the Department, the public body shall register each UAS with the Federal Aviation Administration.

(b) At registration, the public body shall provide:

(A) The name of the public body;

(B) The name and contact information of the individual(s) who operate the UAS on behalf of the public body; and

(C) Year, make, model, serial number, weight class (under 55 pounds/55 pounds or greater), and color of the UAS; and FAA registration number.

(c) The registration fee for each UAS weighing less than 55 pounds is \$25.

The registration fee for each UAS weighing 55 pounds or more is \$50.

(2) Before flying any UAS, an educational institution shall register as a user of UAS with the Department.

(a) The registration requirement in this rule does not supersede or modify any registration requirement that may be imposed by the Federal Aviation Administration.

(b) At registration, the educational institution shall provide:

(A) the name of the educational institution;

(B) the name, title and contact information of the department head(s), program manager(s), or other person(s) who supervise or direct the operation of UAS on behalf of the educational institution; and

(C) the name, title and contact information of the department head(s), program manager(s), or other person(s) responsible for the maintenance of records as described in OAR 738-080-0050(2).

(c) There is no registration fee for an educational institution to register as a user of UAS.



OAR 738-140-0025 Intentional Violation of Public Body Registration of Unmanned Systems Requirements

Violation of any provision of ORS 837.360 concerning public body registration of unmanned aircraft systems may incur a civil penalty of an amount computed using the formula described in OAR 738-140-0030, whichever is greater, where “BF” is the base fine and shall be equal to \$111.00. The maximum civil penalty that may be imposed under these rules is \$10,000.

