

CHAPTER 123

AN ACT

HB 4140

Relating to sky lanterns; creating new provisions; and amending ORS 477.512.

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

SECTION 1. (1) As used in this section, “sky lantern” means an unmanned self-contained luminary device that uses heated air produced by an open flame or produced by another source to become or remain airborne.

(2) A person may not release a sky lantern into the airspace of this state.

(3) Violation of this section is a Class A violation.

(4) In addition to any enforcement officer specifically identified in ORS 153.005, a citation for a violation of this section may be issued by:

(a) The State Fire Marshal, employees of the office of the State Fire Marshal or assistants to the State Fire Marshal as described in ORS 476.040 or 476.060;

(b) The Director of the Oregon Department of Aviation or employees specifically designated by the director under ORS 837.100 to enforce violations;

(c) The State Forester or the State Forestry Department, or any employee specifically designated by the State Forester or the department under ORS 477.985 to enforce violations; or

(d) The State Parks and Recreation Director or any State Parks and Recreation Department employee specifically designated by the director under ORS 390.050 to enforce violations.

SECTION 2. ORS 477.512 is amended to read: 477.512. (1) As used in this section:

(a) “Exploding target” means a device:

(A) Designed for use or used as a target for small arms ammunition or for other projectiles;

(B) Consisting of a flammable substance or flammable combination of substances; and

(C) Capable of exploding when struck by small arms gunfire or by other projectiles.

[(b) “Sky lantern” means an unmanned self-contained luminary device that uses heated air produced by an open flame or produced by another source to become or remain airborne.]

[(c)] (b) “Small arms” means a shotgun, rifle, pistol or revolver.

[(d)] (c) “Tracer ammunition” means a bullet that contains a flammable substance designed to ignite upon firing of the bullet and to burn with sufficient brightness to allow observation of the bullet trajectory.

(2) A person violates this section if, during a fire season declared under ORS 477.505 for a forest protection district or a part of a forest protection district:

(a) The person [*releases a sky lantern or*] discharges an exploding target or tracer ammunition on land that is inside the district or is within one-eighth of a mile of the district; or

(b) [*A sky lantern released by the person or*] Tracer ammunition discharged by the person crosses above land that is inside the district or is within one-eighth of a mile of the district.

(3) Violation of this section is a Class A violation. In addition to any enforcement officer specifically identified in ORS 153.005, the State Fire Marshal, the State Forestry Department or the State Forester may issue a citation for a violation under this section.

Approved by the Governor April 7, 2016

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