

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1896

6 By: Bergstrom and Rosino

7 COMMITTEE SUBSTITUTE

8 An Act relating to unmanned aerial systems; creating
9 the Unmanned Aircraft Systems Development Act of
10 2020; amending 3 O.S. 2011, Section 82, which relates
11 to definitions; adding certain definitions; allowing
12 for certain agency to develop certain test for
13 operating an unmanned aerial system; requiring the
14 completion of certain test before operation of
15 certain unmanned aerial systems; allowing for certain
16 exception to the completion of certain test; allowing
17 for certain permit process to operate certain
18 unmanned aerial systems; allowing for the
19 promulgation of rules for certain permit process;
20 prohibiting flight of certain unmanned aerial systems
21 near certain correctional facilities; providing for
22 exception to certain flight distance requirements;
23 requiring certain agency to develop guidelines for
24 posting certain flight distance notices; providing for
codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 373 of Title 3, unless there is
created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Unmanned
Aircraft Systems Development Act of 2020".

1 B. Intent of this act:

2 Unmanned aircraft systems (UAS) or drones offer extraordinary
3 and vast potential for transforming the way we live and work. Fully
4 realizing and implementing the benefits of UAS will require public
5 acceptance. The intent of this act is to ensure that drones are
6 used in a safe, responsible and lawful manner, and that concerns
7 over privacy are addressed so that the public can with confidence
8 embrace this new and incredible technology.

9 SECTION 2. AMENDATORY 3 O.S. 2011, Section 82, is
10 amended to read as follows:

11 Section 82. As used in the Oklahoma Aeronautics Commission Act,
12 unless the context otherwise requires:

13 ~~(a)~~

14 A. "Aeronautics" means the science, art, and practice of flight
15 including, but not limited to, transportation by aircraft and
16 matters relating to air commerce; the operation, construction,
17 repair, or maintenance of aircraft, aircraft power plants and
18 accessories, including the repair, packing, and maintenance of
19 parachutes; the design, establishment, construction, extension,
20 operation, improvement, repair, or maintenance of airports,
21 restricted landing areas, or other air navigation facilities; and
22 instruction in flying or ground subjects pertaining thereto.

23 ~~(b)~~

1 B. "Aircraft" means any contrivance now known, or hereafter
2 invented, used, or designed for navigation of or flight in the air
3 or airspace.

4 ~~(c)~~

5 C. "Airport" means an area of land or water that is used, or
6 intended to be used, for the landing and takeoff of aircraft, and
7 buildings and facilities, if any.

8 ~~(d)~~

9 D. "Airspace" means that portion of the atmosphere overlying a
10 designated geographical area considered as subject to territorial
11 jurisdiction or international law in respect to its use by aircraft,
12 guided missiles, and rockets.

13 ~~(e)~~

14 E. "Commission" means the Oklahoma Aeronautics Commission.

15 ~~(f)~~

16 F. "Director" means the Director of Aeronautics of Oklahoma.

17 ~~(g)~~

18 G. "State" or "this state" means the State of Oklahoma.

19 ~~(h)~~

20 H. "Air navigation facility" means any facility used in,
21 available for use in, or designed for use in, aid of air navigation,
22 including landing areas, any structures, mechanisms, lights,
23 beacons, markers, communicating systems, or other instrumentalities
24 or devices used or useful as an aid, or constituting an advantage or

1 convenience, to the safe taking off, navigation, and landing of
2 aircraft, or the safe and efficient operation or maintenance of an
3 airport, and any combination of any or all of such facilities.

4 ~~(i)~~

5 I. "Operation of aircraft" or "operate aircraft" means the use,
6 navigation, or piloting of aircraft in the airspace over this state
7 or upon any airport within this state.

8 ~~(j)~~

9 J. "Airman" means any individual who engages, as the person in
10 command, or as pilot, mechanic, or member of the crew, in the
11 navigation of aircraft while under way, and any individual who is
12 directly in charge of the inspection, maintenance, overhauling, or
13 repair of aircraft, aircraft engines, propellers, and appliances.

14 ~~(k)~~

15 K. "Person" means any individual, firm, partnership,
16 corporation, company, association, joint stock association, or body
17 politic; and includes any trustee, receiver, assignee, or other
18 similar representative thereof.

19 ~~(l)~~

20 L. "Municipality" means any incorporated city, village, or town
21 of this state and any county or political subdivision or district in
22 this state, or any public trust thereof, which is, or may be,
23 authorized by law to acquire, establish, construct, maintain,

24

1 improve, and operate airports, airstrips, and aeronautical
2 navigation facilities.

3 ~~(m)~~

4 M. "Aeronautical hazard" means any structure, object of natural
5 growth, or use of land, which obstructs the airspace required for
6 the flight of aircraft in landing or taking off at an airport that
7 is otherwise hazardous to the operation and navigation of aircraft.

8 ~~(n)~~

9 N. "Resources" means services, facilities, funds, equipment,
10 property, personnel, and such other activities as are customarily
11 included within the term.

12 ~~(o)~~

13 O. "Helipad" means a small, designated area, usually with a
14 prepared surface, on a heliport, airport, landing or takeoff area,
15 apron or ramp, or movement area used for takeoff, landing or parking
16 of helicopters.

17 ~~(p)~~

18 P. "Heliport" means an area of land, water or structure used or
19 intended to be used for the landing and takeoff of helicopters and
20 includes its buildings and facilities, if any.

21 ~~(q)~~

22 Q. "Commercial service airport" means an airport meeting the
23 current Federal Aviation Administration definition for commercial
24 service airport.

1 ~~(r)~~

2 R. "Primary commercial service airport" means an airport
3 meeting the current Federal Aviation Administration definition for
4 primary commercial service airport.

5 ~~(s)~~

6 S. "Reliever airport" means an airport designated by the
7 Federal Aviation Administration as a reliever airport and which
8 provides substantial capacity or instrument training relief to a
9 primary commercial service airport.

10 ~~(t)~~

11 T. "General aviation airport" means an airport not meeting the
12 criteria for definition as a commercial service or reliever airport.

13 U. "Manned Aircraft" means an aircraft, as defined in this
14 section, that is operated with a person in or on the aircraft.

15 V. "Model Aircraft" means an aircraft as defined in this
16 section that is mechanically driven or launched into flight and that
17 meets all of the following requirements:

- 18 1. is flown solely for hobby or recreational purposes, and
19 2. is not used for payment, consideration, gratuity or benefit,
20 directly or indirectly charged, demanded, received or collected by
21 any person for the use of the aircraft or any photographic or video
22 image produced by the aircraft.

1 W. "Unmanned Aircraft" means an aircraft, as defined in this
2 section, that is operated without the possibility of human
3 intervention from within or on the aircraft.

4 X. "Unmanned aircraft system" means an unmanned aircraft and
5 associated elements including communication links and components
6 that control the unmanned aircraft that are required for the pilot
7 in command to operate safely and efficiently in the national
8 airspace system.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 374 of Title 3, unless there is
11 created a duplication in numbering, reads as follows:

12 A. No person shall operate an unmanned aircraft system as
13 defined in Section 82 of Title 3 of the Oklahoma Statutes in this
14 state for commercial purposes unless these requirements have been
15 met:

16 1. A person has submitted to the Oklahoma Aeronautics
17 Commission a copy of their valid Federal Aviation Administration
18 (FAA) Part 107 Pilot Certificate; and

19 2. A person has submitted to the Commission a copy of their FAA
20 registration number showing that the unmanned aircraft they are
21 operating for commercial purposes has been properly registered with
22 the FAA.

23 There shall be a Five Dollar (\$5.00) administrative fee
24 collected by the Commission for the handling of these documents. A

1 person who operates an unmanned aircraft system for a commercial
2 purpose without meeting these requirements shall be subject to an
3 administrative penalty of Two Hundred Fifty Dollars (\$250.00) per
4 day from the Commission.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 375 of Title 3, unless there is
7 created a duplication in numbering, reads as follows:

8 A. Except as otherwise provided in this section, no person,
9 entity, or state agency shall use an unmanned aircraft system to do
10 any of the following:

11 1. Conduct surveillance of:

12 a. a person or a dwelling occupied by a person and that
13 dwelling's curtilage without the person's consent,

14 b. private real property without the consent of the
15 owner, easement holder, or lessee of the property;

16 2. Photograph an individual, without the individual's consent,
17 for the purpose of publishing or otherwise publicly disseminating
18 the photograph. This subsection shall not apply to newsgathering,
19 newsworthy events, or events or places to which the general public
20 is invited.

21 B. Notwithstanding the provisions of subsection A of this
22 section, the use of unmanned aircraft systems by law enforcement
23 agencies of the state or a political subdivision of the state is not
24 prohibited in the following instances:

1 1. To counter a high risk of a terrorist attack by a specific
2 individual or organization if the United States Secretary of
3 Homeland Security, Oklahoma Office of Homeland Security, or the
4 Oklahoma Commissioner of Public Safety determines that credible
5 intelligence indicates that such a risk exists;

6 2. To conduct surveillance in an area that is within a law
7 enforcement officer's plain view when the officer is in a location
8 the officer has a legal right to be;

9 3. If the law enforcement agency first obtains a search warrant
10 authorizing the use of an unmanned aircraft system;

11 4. If the law enforcement agency possesses reasonable suspicion
12 that, under particular circumstances, swift action is needed to
13 prevent imminent danger to life or serious damage to property, to
14 forestall the imminent escape of a suspect or the destruction of
15 evidence, to conduct pursuit of an escapee or suspect, or to
16 facilitate the search for a missing person;

17 5. To photograph gatherings to which the general public is
18 invited on public or private land.

19 D. Notwithstanding the provisions of subsection A of this
20 section an emergency management agency may use unmanned aircraft
21 systems for all functions and activities related to emergency
22 management including incident command, area reconnaissance, search
23 and rescue, preliminary damage assessment, hazard risk management,
24 and floodplain mapping.

1 E. Any person who is the subject of unwarranted surveillance,
2 or whose photograph is taken in violation of the provisions of this
3 section, shall have a civil action against the person, entity, or
4 state agency that conducts the surveillance or that uses an unmanned
5 aircraft system to photograph for the purpose of publishing or
6 otherwise disseminating the photograph. In lieu of actual damages,
7 the person whose photograph is taken may elect to recover five
8 thousand dollars (\$5,000.00) for each photograph or video that is
9 published or otherwise disseminated, as well as reasonable costs and
10 attorney fees and injunctive or other relief as determined by the
11 court.

12 SECTION 5. This act shall become effective July 1, 2020.

13
14 57-2-3853 JD 2/17/2020 2:08:15 PM

15
16
17
18
19
20
21
22
23
24