

1 ENGROSSED SENATE  
2 BILL NO. 1896

By: Bergstrom and Rosino of the  
Senate

3 and

4 Wright of the House  
5

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

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

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

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

22 B. Intent of this act:

23 Unmanned aircraft systems (UAS) or drones offer extraordinary  
24 and vast potential for transforming the way we live and work. Fully

1 realizing and implementing the benefits of UAS will require public  
2 acceptance. The intent of this act is to ensure that drones are  
3 used in a safe, responsible and lawful manner, and that concerns  
4 over privacy are addressed so that the public can with confidence  
5 embrace this new and incredible technology.

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

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

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

19 ~~(b)~~ B. "Aircraft" means any contrivance now known, or hereafter  
20 invented, used, or designed for navigation of or flight in the air  
21 or airspace.

22 ~~(c)~~ C. "Airport" means an area of land or water that is used,  
23 or intended to be used, for the landing and takeoff of aircraft, and  
24 buildings and facilities, if any.

1       ~~(d)~~ D. "Airspace" means that portion of the atmosphere  
2 overlying a designated geographical area considered as subject to  
3 territorial jurisdiction or international law in respect to its use  
4 by aircraft, guided missiles, and rockets.

5       ~~(e)~~ E. "Commission" means the Oklahoma Aeronautics Commission.

6       ~~(f)~~ F. "Director" means the Director of Aeronautics of  
7 Oklahoma.

8       ~~(g)~~ G. "State" or "this state" means the State of Oklahoma.

9       ~~(h)~~ H. "Air navigation facility" means any facility used in,  
10 available for use in, or designed for use in, aid of air navigation,  
11 including landing areas, any structures, mechanisms, lights,  
12 beacons, markers, communicating systems, or other instrumentalities  
13 or devices used or useful as an aid, or constituting an advantage or  
14 convenience, to the safe taking off, navigation, and landing of  
15 aircraft, or the safe and efficient operation or maintenance of an  
16 airport, and any combination of any or all of such facilities.

17       ~~(i)~~ I. "Operation of aircraft" or "operate aircraft" means the  
18 use, navigation, or piloting of aircraft in the airspace over this  
19 state or upon any airport within this state.

20       ~~(j)~~ J. "Airman" means any individual who engages, as the person  
21 in command, or as pilot, mechanic, or member of the crew, in the  
22 navigation of aircraft while under way, and any individual who is  
23 directly in charge of the inspection, maintenance, overhauling, or  
24 repair of aircraft, aircraft engines, propellers, and appliances.

1       ~~(k)~~ K. "Person" means any individual, firm, partnership,  
2 corporation, company, association, joint stock association, or body  
3 politic; and includes any trustee, receiver, assignee, or other  
4 similar representative thereof.

5       ~~(l)~~ L. "Municipality" means any incorporated city, village, or  
6 town of this state and any county or political subdivision or  
7 district in this state, or any public trust thereof, which is, or  
8 may be, authorized by law to acquire, establish, construct,  
9 maintain, improve, and operate airports, airstrips, and aeronautical  
10 navigation facilities.

11       ~~(m)~~ M. "Aeronautical hazard" means any structure, object of  
12 natural growth, or use of land, which obstructs the airspace  
13 required for the flight of aircraft in landing or taking off at an  
14 airport that is otherwise hazardous to the operation and navigation  
15 of aircraft.

16       ~~(n)~~ N. "Resources" means services, facilities, funds,  
17 equipment, property, personnel, and such other activities as are  
18 customarily included within the term.

19       ~~(o)~~ O. "Helipad" means a small, designated area, usually with a  
20 prepared surface, on a heliport, airport, landing or takeoff area,  
21 apron or ramp, or movement area used for takeoff, landing or parking  
22 of helicopters.

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1       ~~(p)~~ P. "Helicopter" means an area of land, water or structure  
2 used or intended to be used for the landing and takeoff of  
3 helicopters and includes its buildings and facilities, if any.

4       ~~(q)~~ Q. "Commercial service airport" means an airport meeting  
5 the current Federal Aviation Administration definition for  
6 commercial service airport.

7       ~~(r)~~ R. "Primary commercial service airport" means an airport  
8 meeting the current Federal Aviation Administration definition for  
9 primary commercial service airport.

10       ~~(s)~~ S. "Reliever airport" means an airport designated by the  
11 Federal Aviation Administration as a reliever airport and which  
12 provides substantial capacity or instrument training relief to a  
13 primary commercial service airport.

14       ~~(t)~~ T. "General aviation airport" means an airport not meeting  
15 the criteria for definition as a commercial service or reliever  
16 airport.

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

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

22       1. Is flown solely for hobby or recreational purposes; and

23       2. Is not used for payment, consideration, gratuity or benefit,  
24 directly or indirectly charged, demanded, received or collected by

1 any person for the use of the aircraft or any photographic or video  
2 image produced by the aircraft.

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

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

11 SECTION 3. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 376 of Title 3, unless there is  
13 created a duplication in numbering, reads as follows:

14 The Oklahoma Aeronautics Commission shall be designated as the  
15 agency of this state for the promotion, enhancement and development  
16 of unmanned aircraft systems and to ensure the safe integration and  
17 use of this new technology within the state. It shall cooperate,  
18 assist and coordinate with the federal government, agencies of this  
19 state, municipalities and other persons in the development of  
20 unmanned aircraft systems throughout the state.

21 SECTION 4. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 374 of Title 3, unless there is  
23 created a duplication in numbering, reads as follows:

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

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

8 2. A person has submitted to the Commission a copy of their FAA  
9 registration number showing that the unmanned aircraft they are  
10 operating for commercial purposes has been properly registered with  
11 the FAA.

12 There shall be a Five Dollar (\$5.00) administrative fee  
13 collected by the Commission for the handling of these documents. A  
14 person who operates an unmanned aircraft system for a commercial  
15 purpose without meeting these requirements shall be subject to an  
16 administrative penalty of Two Hundred Fifty Dollars (\$250.00) per  
17 day from the Commission.

18 B. Law enforcement entities are exempt from the requirements of  
19 this section.

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

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1       A. Except as otherwise provided in this section, no person or  
2 entity shall use an unmanned aircraft system to do any of the  
3 following:

4       1. Conduct surveillance of:

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

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

9       2. Photograph an individual, without the individual's consent,  
10 for the purpose of publishing or otherwise publicly disseminating  
11 the photograph. This subsection shall not apply to newsgathering,  
12 newsworthy events, or events or places to which the general public  
13 is invited.

14       B. Notwithstanding the provisions of subsection A of this  
15 section, the use of unmanned aircraft systems by law enforcement  
16 entities are not prohibited when operating pursuant to and in  
17 compliance with applicable law.

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

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

12 SECTION 6. This act shall become effective July 1, 2020.

13 SECTION 7. It being immediately necessary for the preservation  
14 of the public peace, health or safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

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