

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1896, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bergstrom

Bergstrom-BG-FS-Req#3974
3/5/2020 3:12 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1896

By: Bergstrom and Rosino of the
Senate

6 and

7 Wright of the House

8
9 FLOOR SUBSTITUTE

10 (unmanned aerial systems - allowing certain tests -
11 codification - ~~effective date~~ -
12 emergency)

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

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

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

19 B. Intent of this act:

20 Unmanned aircraft systems (UAS) or drones offer extraordinary
21 and vast potential for transforming the way we live and work. Fully
22 realizing and implementing the benefits of UAS will require public
23 acceptance. The intent of this act is to ensure that drones are
24 used in a safe, responsible and lawful manner, and that concerns

1 over privacy are addressed so that the public can with confidence
2 embrace this new and incredible technology.

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

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

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

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

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

22 ~~(d)~~ D. "Airspace" means that portion of the atmosphere
23 overlying a designated geographical area considered as subject to
24

1 territorial jurisdiction or international law in respect to its use
2 by aircraft, guided missiles, and rockets.

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

4 ~~(f)~~ F. "Director" means the Director of Aeronautics of
5 Oklahoma.

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

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

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

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

23 ~~(k)~~ K. "Person" means any individual, firm, partnership,
24 corporation, company, association, joint stock association, or body

1 politic; and includes any trustee, receiver, assignee, or other
2 similar representative thereof.

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

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

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

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

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

24

1 ~~(q)~~ Q. "Commercial service airport" means an airport meeting
2 the current Federal Aviation Administration definition for
3 commercial service airport.

4 ~~(r)~~ R. "Primary commercial service airport" means an airport
5 meeting the current Federal Aviation Administration definition for
6 primary commercial service airport.

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

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

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

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

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

20 2. Is not used for payment, consideration, gratuity or benefit,
21 directly or indirectly charged, demanded, received or collected by
22 any person for the use of the aircraft or any photographic or video
23 image produced by the aircraft.

24

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 376 of Title 3, unless there is
11 created a duplication in numbering, reads as follows:

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

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

22 A. No person shall operate an unmanned aircraft system as
23 defined in Section 82 of Title 3 of the Oklahoma Statutes in this
24

1 state for commercial purposes unless these requirements have been
2 met:

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

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

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

16 B. Law enforcement entities are exempt from the requirements of
17 this section.

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

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

24 1. Conduct surveillance of:

- 1 a. a person or a dwelling occupied by a person and that
2 dwelling's curtilage without the person's consent,
3 b. private real property without the consent of the
4 owner, easement holder, or lessee of the property;

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

10 B. Notwithstanding the provisions of subsection A of this
11 section, the use of unmanned aircraft systems by law enforcement
12 entities are not prohibited when operating pursuant to and in
13 compliance with applicable law.

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

20 D. Any person who is the subject of unlawful surveillance, or
21 whose photograph is taken in violation of the provisions of this
22 section, shall have a civil action against the private person or
23 private entity that conducts the surveillance or that uses an
24 unmanned aircraft system to photograph for the purpose of publishing

1 or otherwise disseminating the photograph. In lieu of actual
2 damages, the person whose photograph is taken may elect to recover
3 five thousand dollars (\$5,000.00) for each photograph or video that
4 is published or otherwise disseminated, as well as reasonable costs
5 and attorney fees and injunctive or other relief as determined by
6 the court.

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

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

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