

1 **SENATE FLOOR VERSION**

2 February 26, 2020

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1896

6 By: Bergstrom and Rosino

7 [the Unmanned Aircraft Systems Development Act of
8 2020 - test - codification - effective date]

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

16 B. Intent of this act:

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

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

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

5 ~~(a)~~

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

15 ~~(b)~~

16 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)~~

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

23 ~~(d)~~

24

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

5 ~~(e)~~

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

7 ~~(f)~~

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

9 ~~(g)~~

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

11 ~~(h)~~

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

20 ~~(i)~~

21 I. "Operation of aircraft" or "operate aircraft" means the use,
22 navigation, or piloting of aircraft in the airspace over this state
23 or upon any airport within this state.

24 ~~(j)~~

1 J. "Airman" means any individual who engages, as the person in
2 command, or as pilot, mechanic, or member of the crew, in the
3 navigation of aircraft while under way, and any individual who is
4 directly in charge of the inspection, maintenance, overhauling, or
5 repair of aircraft, aircraft engines, propellers, and appliances.

6 ~~(k)~~

7 K. "Person" means any individual, firm, partnership,
8 corporation, company, association, joint stock association, or body
9 politic; and includes any trustee, receiver, assignee, or other
10 similar representative thereof.

11 ~~(l)~~

12 L. "Municipality" means any incorporated city, village, or town
13 of this state and any county or political subdivision or district in
14 this state, or any public trust thereof, which is, or may be,
15 authorized by law to acquire, establish, construct, maintain,
16 improve, and operate airports, airstrips, and aeronautical
17 navigation facilities.

18 ~~(m)~~

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

23 ~~(n)~~

24

1 N. "Resources" means services, facilities, funds, equipment,
2 property, personnel, and such other activities as are customarily
3 included within the term.

4 ~~(o)~~

5 O. "Helipad" means a small, designated area, usually with a
6 prepared surface, on a heliport, airport, landing or takeoff area,
7 apron or ramp, or movement area used for takeoff, landing or parking
8 of helicopters.

9 ~~(p)~~

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

13 ~~(q)~~

14 Q. "Commercial service airport" means an airport meeting the
15 current Federal Aviation Administration definition for commercial
16 service airport.

17 ~~(r)~~

18 R. "Primary commercial service airport" means an airport
19 meeting the current Federal Aviation Administration definition for
20 primary commercial service airport.

21 ~~(s)~~

22 S. "Reliever airport" means an airport designated by the
23 Federal Aviation Administration as a reliever airport and which
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1 provides substantial capacity or instrument training relief to a
2 primary commercial service airport.

3 ~~(t)~~

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

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

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

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

12 2. Is not used for payment, consideration, gratuity or benefit,
13 directly or indirectly charged, demanded, received or collected by
14 any person for the use of the aircraft or any photographic or video
15 image produced by the aircraft.

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

19 X. "Unmanned aircraft system" means an unmanned aircraft and
20 associated elements including communication links and components
21 that control the unmanned aircraft that are required for the pilot
22 in command to operate safely and efficiently in the national
23 airspace system.

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

4 The Oklahoma Aeronautics Commission shall be designated as the
5 agency of this state for the promotion, enhancement and development
6 of unmanned aircraft systems and to ensure the safe integration and
7 use of this new technology within the state. It shall cooperate,
8 assist and coordinate with the federal government, agencies of this
9 state, municipalities and other persons in the development of
10 unmanned aircraft systems throughout the state.

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

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

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

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

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1 There shall be a Five Dollar (\$5.00) administrative fee
2 collected by the Commission for the handling of these documents. A
3 person who operates an unmanned aircraft system for a commercial
4 purpose without meeting these requirements shall be subject to an
5 administrative penalty of Two Hundred Fifty Dollars (\$250.00) per
6 day from the Commission.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 376 of Title 3, unless there is
9 created a duplication in numbering, reads as follows:

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

13 1. Conduct surveillance of:

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

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

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

23 B. Notwithstanding the provisions of subsection A of this
24 section, the use of unmanned aircraft systems by law enforcement

1 agencies of the state or a political subdivision of the state is not
2 prohibited in the following instances:

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

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

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

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

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

21 C. Notwithstanding the provisions of subsection A of this
22 section an emergency management agency may use unmanned aircraft
23 systems for all functions and activities related to emergency
24 management including incident command, area reconnaissance, search

1 and rescue, preliminary damage assessment, hazard risk management,
2 and floodplain mapping.

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
16 February 26, 2020 - DO PASS AS AMENDED

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