

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1896

By: Bergstrom

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5
6 AS INTRODUCED

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

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

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

22 A. This act shall be known as the "Unmanned Aircraft Systems
23 Development Act of 2020".

24 B. Intent of this act:

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

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

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

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

21 (b) "Aircraft" means any contrivance now known, or hereafter
22 invented, used, or designed for navigation of or flight in the air
23 or airspace.
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1 (c) "Airport" means an area of land or water that is used, or
2 intended to be used, for the landing and takeoff of aircraft, and
3 buildings and facilities, if any.

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

8 (e) "Commission" means the Oklahoma Aeronautics Commission.

9 (f) "Director" means the Director of Aeronautics of Oklahoma.

10 (g) "State" or "this state" means the State of Oklahoma.

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

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

22 (j) "Airman" means any individual who engages, as the person in
23 command, or as pilot, mechanic, or member of the crew, in the
24 navigation of aircraft while under way, and any individual who is

1 directly in charge of the inspection, maintenance, overhauling, or
2 repair of aircraft, aircraft engines, propellers, and appliances.

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

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

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

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

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

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

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

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

10 (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) "General aviation airport" means an airport not meeting the
15 criteria for definition as a commercial service or reliever airport.

16 (u) "Manned Aircraft" means an aircraft, as defined in this
17 section, that is operated with a person in or on the aircraft.

18 (v) "Model Aircraft" means an aircraft as defined in this
19 section that is mechanically driven or launched into flight and that
20 meets all of the following requirements:

21 i. is flown solely for hobby or recreational purposes,

22 and

23 ii. is not used for payment, consideration, gratuity or

24 benefit, directly or indirectly charged, demanded,

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

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

7 A. The Aeronautics Commission shall develop a knowledge and
8 skills test for operating an unmanned aircraft system that complies
9 with all applicable state and federal regulations and shall provide
10 for administration of the test. The test shall ensure that the
11 operator of an unmanned aircraft system is knowledgeable of the
12 state statutes and regulations regarding the operation of unmanned
13 aircraft systems. The Aeronautics Commission may permit a person,
14 including an agency of this state, an agency of a political
15 subdivision of this state, an employer, or a private training
16 facility, to administer the test developed pursuant to this section,
17 provided the test is the same as that administered by the
18 Aeronautics Commission and complies with all applicable state and
19 federal regulations.

20 B. No operation of unmanned aircraft systems by agents or
21 agencies of the state or a political subdivision of the state shall
22 be authorized in this state until the knowledge and skills test
23 required by this section has been implemented.

1 C. Prior to the implementation of the knowledge and skills test
2 and permitting process required by this section, any person
3 authorized by the Federal Aviation Administration for commercial
4 operation of an unmanned aircraft system in this state shall not be
5 in violation of this statute; provided, that the person makes
6 application for a state permit for commercial operation within sixty
7 (60) days of the full implementation of the permitting process and
8 is issued a state commercial operation permit in due course.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 375 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 in this
13 state for commercial purposes unless the person is in possession of
14 a permit issued by the Aeronautics Commission valid for the unmanned
15 aircraft system being operated. Application for the permit shall be
16 made in the manner provided by the Aeronautics Commission. Unless
17 suspended or revoked, the permit shall be effective for a period to
18 be established by the Aeronautics Commission not exceeding eight
19 years.

20 B. No person shall operate an unmanned aircraft system as
21 defined in this section in this state for commercial purposes unless
22 these requirements have been met:
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1 1. A person has submitted to the Commission a copy of their
2 valid Federal Aviation Administration (FAA) Part 107 Pilot
3 Certificate.

4 2. A person has submitted to the Commission a copy showing that
5 the unmanned aircraft that is being operated for commercial purposes
6 has been properly registered with the FAA.

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

13 C. A permit to operate an unmanned aircraft system for
14 commercial purposes shall not be issued to a person while the
15 person's license or permit to operate an unmanned aircraft system is
16 suspended, revoked, or cancelled in any state.

17 D. The Aeronautics Commission shall develop and administer a
18 program that complies with all applicable federal regulations to
19 issue permits to operators of unmanned aircraft systems for
20 commercial purposes. The program must include the following
21 components:

22 1. A system for classifying unmanned aircraft systems based on
23 characteristics determined to be appropriate by the Aeronautics
24 Commission;

1 2. A fee structure for permits;

2 3. A permit application process, which shall include a
3 requirement that the Aeronautics Commission provide notice to an
4 applicant of their decision on issuance of a permit no later than 10
5 days from the date the Aeronautics Commission receives the
6 applicant's application;

7 4. Technical guidance for complying with program requirements;

8 5. Criteria under which the Aeronautics Commission may suspend
9 or revoke a permit;

10 6. Criteria under which the Commission may waive permitting
11 requirements for applicants currently holding a valid license or
12 permit to operate unmanned aircraft systems issued by another state
13 or territory of the United States, the District of Columbia, or the
14 United States;

15 7. A designation of the geographic area within which a
16 permittee shall be authorized to operate an unmanned aircraft
17 system. The rules adopted by the Aeronautics Commission for
18 designating a geographic area pursuant to this paragraph shall be no
19 more restrictive than the rules or regulations adopted by the
20 Federal Aviation Administration for designating a geographic area
21 for the commercial operation of unmanned aircraft systems;

22 8. Requirements pertaining to the collection, use, and
23 retention of data by permittees obtained through the operation of
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1 unmanned aircraft systems, to be established in consultation with
2 the State Chief Information Officer;

3 9. Requirements for the marking of each unmanned aircraft
4 system operated pursuant to a permit issued under this section
5 sufficient to allow identification of the owner of the system and
6 the person issued a permit to operate it; and

7 10. A system for providing agencies that conduct other
8 operations within regulated airspace with the identity and contact
9 information of permittees and the geographic areas within which the
10 permittee is authorized to operate an unmanned aircraft system.

11 E. A person who operates an unmanned aircraft system for
12 commercial purposes other than as authorized under this section
13 shall be guilty of a Class 1 misdemeanor.

14 F. The Aeronautics Commission shall promulgate rules necessary
15 to enact the provisions of this act.

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

19 A. No person, entity, or state agency shall use an unmanned
20 aircraft system within either a horizontal distance of five hundred
21 (500) feet, or a vertical distance of two hundred fifty (250) feet
22 from any state or federal correctional facility or county jail. For
23 the purpose of this section, horizontal distance shall extend
24 outward from the furthest exterior building walls, perimeter fences,

1 and permanent fixed perimeter, or from another boundary clearly
2 marked with posted notices. Posted notices shall be conspicuously
3 posted not more than one hundred (100) yards apart along a marked
4 boundary and comply with Aeronautics Commission guidelines.

5 B. Unless the use of the unmanned aircraft system is otherwise
6 prohibited under State or federal law, the distance restrictions of
7 subsection A of this section do not apply to any of the following:

8 1. A person operating an unmanned aircraft system with written
9 consent from the official in responsible charge of the facility;

10 2. A law enforcement officer using an unmanned aircraft system
11 in accordance with this act;

12 3. A public utility or a commercial entity, provided that the
13 public utility, provider, or commercial entity complies with all of
14 the following:

15 a. the unmanned aircraft system must not be used within
16 either a horizontal distance of one hundred fifty
17 (150) feet, or within a vertical distance of one
18 hundred fifty (150) feet from any State or federal
19 correctional facility or county jail,

20 b. notifies the official in responsible charge of the
21 facility at least twenty-four (24) hours prior to
22 operating the unmanned aircraft system,

23 c. uses the unmanned aircraft system for the purpose of
24 inspecting public utility or provider transmission
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1 lines, equipment, or communication infrastructure or
2 for another purpose directly related to the business
3 of the public utility, provider, or commercial entity,

4 d. uses the unmanned aircraft system for commercial
5 purposes pursuant to and in compliance with Federal
6 Aviation Administration regulations, authorizations or
7 exemptions, and

8 e. the person operating the unmanned aircraft system does
9 not physically enter the prohibited space without an
10 escort from the facility; and

11 4. An emergency management agency, emergency medical services
12 personnel, firefighters, and law enforcement officers, when using an
13 unmanned aircraft system in response to an emergency.

14 C. The Aeronautics Commission shall develop guidelines for the
15 content and dimensions for posted notices to mark boundaries in
16 accordance with this section.

17 SECTION 6. This act shall become effective November 1, 2020.

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