

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 294

By: Mickle of the Senate

and

Dunegan of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to aircraft and airports; amending 3 O.S. 1991, Sections 102.1, as amended by Section 7, Chapter 181, O.S.L. 1995, and 253, as amended by Section 9, Chapter 363, O.S.L. 1994 (3 O.S. Supp. 1998, Sections 102.1 and 253), which relate to aircraft zoning and registration; requiring certain permit to be secured from Oklahoma Aeronautics and Space Commission under certain circumstances; permitting Oklahoma Aeronautics and Space Commission to review certain structures; permitting Oklahoma Aeronautics and Space Commission to request certain modifications; permitting Oklahoma Aeronautics and Space Commission to assist certain persons; correcting language; and providing an effective date.

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

SECTION 1. AMENDATORY 3 O.S. 1991, Section 102.1, as amended by Section 7, Chapter 181, O.S.L. 1995 (3 O.S. Supp. 1998, Section 102.1), is amended to read as follows:

Section 102.1 ~~(1)~~ A. In order to prevent the erection of structures dangerous to air navigation, subject to the provisions of subsections ~~(2)~~ B, ~~(3)~~ C and ~~(4)~~ D of this section, each person shall secure from the local airport zoning authority, or in the absence of a local airport zoning authority, the Oklahoma Aeronautics and Space Commission, a permit for the erection, alteration, or modification of any structure the result of which would exceed the federal obstruction standards as contained in 14

CFR, Part 77. Permits from the local airport zoning authority will be required only within an airport hazard area where federal standards are exceeded and if the proposed construction is within:

~~(a)~~ 1. A 10-nautical mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport open for public use which has a published instrument approach procedure;

~~(b)~~ 2. A 6-nautical mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport open for public use which has no published instrument approach procedure and has runways in excess of three thousand two hundred (3,200) feet in length; or

~~(c)~~ 3. A 2.5-nautical mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport open for public use which has no published instrument approach and has runways three thousand two hundred (3,200) feet or less in length.

~~(2)~~ B. Affected airports will be considered as having those facilities which are programmed in the Federal Aviation Administration's Regional Aviation System Plan and will be so protected.

~~(3)~~ C. Permit requirements of subsection (1) of this section shall not apply to projects which received construction permits from the Federal Communications Commission for structures exceeding federal obstruction standards prior to May 20, 1975; nor shall it apply to previously approved structures now existing, or any necessary replacement or repairs to such existing structures, so long as the height and location is unchanged.

~~(4)~~ D. In determining whether to issue or deny a permit, the local airport zoning authority shall consider:

~~(a)~~ 1. The nature of the terrain and height of existing structures;

~~(b)~~ 2. Public and private interests and investments;

~~(e)~~ 3. The character of flying operations and planned developments of airports;

~~(d)~~ 4. Federal airways as designated by the Federal Aviation Administration that lie within the radii described in paragraphs ~~(a)~~ 1 through ~~(e)~~ 3 of subsection ~~(1)~~ A of this section;

~~(e)~~ 5. Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport;

~~(f)~~ 6. Technological advances;

~~(g)~~ 7. The safety of persons on the ground and in the air; and

~~(h)~~ 8. Land use density.

E. In order to promote the health, safety and welfare of the public and to protect persons and property by promoting safety in aeronautics, the Oklahoma Aeronautics and Space Commission may review any structure erected, altered, or modified since January 1, 1996, in which no permit was secured from the local airport zoning authority because of the absence of a local airport authority. The Oklahoma Aeronautics and Space Commission shall determine whether such structures meet the requirements set forth in this section. If the structures do not meet the requirements as set forth in this section, the Oklahoma Aeronautics and Space Commission may request the owners of such structure to make any necessary modifications to protect the health, safety and welfare of the public, including, but not limited to, altering, marking, mapping, or identifying such structure. The Oklahoma Aeronautics and Space Commission may assist the owner of such structure in any manner deemed feasible by the Oklahoma Aeronautics and Space Commission.

SECTION 2. AMENDATORY 3 O.S. 1991, Section 253, as amended by Section 9, Chapter 363, O.S.L. 1994 (3 O.S. Supp. 1998, Section 253), is amended to read as follows:

Section 253. The following aircraft are exempt from provisions of Section 251 et seq. of this title:

1. Aircraft manufactured under ~~an FFA~~ a Federal Aviation Administration approved type certificate which are owned and in the physical possession of the manufacturers as provided in subsection D of Section 254 of this title;

2. Aircraft owned by charitable organizations and used solely for the furtherance of charitable purposes;

3. Aircraft belonging to nonresidents of this state and registered in another state;

4. Aircraft of the federal government, any agency thereof, any territory or possession thereof, any state government or agency or political subdivision thereof, any aircraft of the Civil Air Patrol used solely in transaction of official business by a unit of the Civil Air Patrol;

5. Aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft; and

6. Aircraft not currently licensed or holding a current airworthiness certificate by the Federal Aviation Administration.

SECTION 3. This act shall become effective November 1, 1999.

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