ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 2599 By: Wood of the House

and

Sharp of the Senate

An Act relating to unmanned aircraft; defining terms; prohibiting operation of an unmanned aircraft over a critical infrastructure facility; excepting conduct of specified entities or persons; prescribing punishment for violation; providing for codification; and providing an effective date.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to unmanned aircraft; defining terms; prohibiting operation of an unmanned aircraft over a critical infrastructure facility; excepting conduct of specified entities or persons; prescribing punishment for violation; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 322 of Title 3, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Critical infrastructure facility" means:

a. one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden or flight of unmanned aircraft without site authorization is forbidden:

(1) a petroleum or alumina refinery,

(2) an electrical power generating facility, substation, switching station or electrical control center,

(3) a chemical, polymer or rubber manufacturing facility,

(4) a water intake structure, water treatment facility, wastewater treatment plant or pump station,

(5) a natural gas compressor station,

(6) a liquid natural gas terminal or storage facility,

(7) a telecommunications central switching office,

(8) wireless telecommunications infrastructure, including cell towers,

(9) a port, railroad switching yard, trucking terminal or other freight transportation facility,

(10) a gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas or natural gas liquids,

(11) a transmission facility used by a federally licensed radio or television station,

(12) a steelmaking facility that uses an electric arc furnace to make steel,

(13) a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program,

(14) a dam that is regulated by the state or federal government, or

(15) a natural gas distribution utility facility, including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station and a natural gas storage facility, or

b. any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline that is enclosed by a

fence or other physical barrier that is obviously designed to exclude intruders;

2. "Dam" means any barrier, including any appurtenant structures, that is constructed for the purpose of permanently or temporarily impounding water; and

3. "Unmanned aircraft" means an aircraft without occupants that is flown by a pilot via a ground control system or autonomously through use of an onboard computer and other additional equipment necessary to operate the aircraft and includes unmanned aircraft commonly called drones.

B. Except as provided in subsection C of this section, a person shall not intentionally or knowingly:

1. Operate an unmanned aircraft over a critical infrastructure facility if the unmanned aircraft is less than four hundred (400) feet above ground level;

2. Allow an unmanned aircraft to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or

3. Allow an unmanned aircraft to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

C. This section shall not apply to conduct committed by:

1. The federal government, the state or a political subdivision of the state;

2. A person under contract with or otherwise acting under the direction or on behalf of the federal government, the state or a political subdivision of the state;

3. A law enforcement agency;

4. A person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency;

5. An owner or operator of the critical infrastructure facility;

6. A person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the critical infrastructure facility;

7. A person who has the prior written consent of the owner or operator of the critical infrastructure facility;

8. The owner or occupant of the property on which the critical infrastructure facility is located or a person who has the prior written consent of the owner or occupant of that property; or

9. An operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the Federal Aviation Administration to conduct operations over that airspace.

D. Any person in violation of this section may be civilly liable for damages to the critical infrastructure facility to include, but not be limited to, damage to property, the environment or human health.

SECTION 2. This act shall become effective November 1, 2016."

Passed the Senate the 20th day of April, 2016.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2016.

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Presiding Officer of the House of Representatives

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9. An operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the Federal Aviation Administration to conduct operations over that airspace.

D. Any violation of this section shall be a misdemeanor, punishable upon conviction by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail not to exceed one (1) year, or by both such fine and imprisonment.

SECTION 2. This act shall become effective November 1, 2016.

Passed the House of Representatives the 8th day of March, 2016.

_____
Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2016.

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Presiding Officer of the Senate