

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2599

By: Wood

AS INTRODUCED

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:

- (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) a port, railroad switching yard, trucking
terminal, or other freight transportation
facility,
- (9) a gas processing plant, including a plant used in
the processing, treatment, or fractionation of
natural gas,
- (10) a transmission facility used by a federally
licensed radio or television station,
- (11) a steelmaking facility that uses an electric arc
furnace to make steel, or

1 (12) a dam that is regulated by the state or federal
2 government; or

3 b. any portion of an aboveground oil, gas or chemical
4 pipeline that is enclosed by a fence or other physical
5 barrier that is obviously designed to exclude
6 intruders;

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

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

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

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

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

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

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

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

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

10 3. A law enforcement agency;

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

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

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

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

20 8. The owner or occupant of the property on which the critical
21 infrastructure facility is located or a person who has the prior
22 written consent of the owner or occupant of that property; or
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1 9. An operator of an unmanned aircraft that is being used for a
2 commercial purpose, if the operator is authorized by the Federal
3 Aviation Administration to conduct operations over that airspace.

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

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

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10 55-2-8795 EK 01/10/16