

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 630

By: Simpson of the Senate

and

Ownbey of the House

COMMITTEE SUBSTITUTE

An Act relating to robotic vehicle technology;
defining terms; prohibiting certain image use;
addressing private property rights; providing for
certain penalty; prohibiting certain use in certain
wildland fire; prohibiting entities from enacting
certain laws; prohibiting flight within certain
proximity of certain areas; allowing for certain use
by law enforcement; allowing for certain use by
pipeline and utility companies; allowing for certain
use for agricultural producers; allowing for certain
notification for certain inspection; allowing for
certain restrictions within certain jurisdiction;
requiring report to the legislature; allowing for
certain civil action; 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 323 of Title 3, unless there is
created a duplication in numbering, reads as follows:

A. As used in this section:

1 1. "Robotic vehicle" means any unmanned or uninhabited vehicle
2 that is capable of either powered locomotion on the ground or
3 powered flight in the air, or both, and that does not carry a human
4 operator on or in the vehicle. A robotic vehicle may be remotely
5 controlled or programmed to operate autonomously or on planned
6 routes;

7 2. "Image" means a record of thermal, infrared, ultraviolet,
8 visible light or other electromagnetic waves; sound waves; odors; or
9 other physical phenomena which capture conditions existing on or
10 about real property or an individual located on that property;

11 3. "Imaging device" means a mechanical, digital or electronic
12 viewing device; still camera; camcorder; motion picture camera; or
13 any other instrument, equipment or format capable of recording,
14 storing or transmitting an image;

15 4. "Incident commander" means the government official or
16 employee in command of the response to a wildland fire;

17 5. "Law enforcement" means a lawfully established state or
18 local public agency that is responsible for the prevention and
19 detection of crime, local government code enforcement and the
20 enforcement of penal, traffic, regulatory, game or controlled
21 substance laws;

22 6. "Sanctioned entity" includes a person that oversees, is
23 employed by or is working under the direction of a government
24 entity, a telecommunications provider, a utility provider, the owner

1 or operator of a pipeline, an agricultural producer or news media;
2 and

3 7. "Surveillance" means:

4 a. with respect to an owner, tenant, occupant, invitee or
5 licensee of privately owned real property, the
6 observation of such persons with sufficient visual
7 clarity to be able to obtain information about their
8 identity, habits, conduct, movements or whereabouts,
9 or

10 b. with respect to privately owned real property, the
11 observation of such property's physical improvements
12 with sufficient visual clarity to be able to determine
13 unique identifying features or its occupancy by one or
14 more persons.

15 B. A person, a state agency or a political subdivision may not
16 use a robotic vehicle equipped with an imaging device to record an
17 image of privately owned real property or of the owner, tenant,
18 occupant, invitee or licensee of such property with the intent to
19 conduct surveillance on the individual or property captured in the
20 image in violation of the person's reasonable expectation of privacy
21 without his or her written consent or pursuant to a search warrant.

22 C. The following acts shall constitute a trespass upon the
23 surface of the property directly below for purposes of interpreting
24

1 applicable Oklahoma statutes and ordinances and adjudicating
2 property rights and claims:

3 1. Operation of a robotic vehicle at an altitude less than two
4 hundred (200) feet above ground level including on the surface of
5 the ground; or

6 2. Operation of a robotic vehicle at a distance of less than
7 fifty (50) feet from any structure that is taller than one hundred
8 fifty (150) feet above ground level.

9 D. A person may not operate a robotic vehicle within an area of
10 a wildland fire scene managed by a federal, state or local
11 government entity, unless the person operates the robotic device
12 with the permission of, and in accordance with the restrictions
13 established by the incident commander. A person, other than a
14 government official or a government employee acting within the
15 person's capacity as a government official or government employee,
16 that recklessly operates within an area described within this
17 section is guilty of:

18 1. A misdemeanor punishable by a fine of up to Five Hundred
19 Dollars (\$500.00) if the operation of the unmanned aircraft system
20 causes an aircraft being used to contain or control a wildland fire
21 to:

22 a. drop a payload of water or fire retardant in a
23 location other than the location originally designated
24 for the aircraft to drop the payload, or

b. land without dropping a payload of water or fire retardant in the location originally designated for the aircraft to drop the payload.

E. The incident commander of a wildland fire shall grant reasonable access to the area of, and within three miles of, the wildland fire to a sanctioned entity if:

1. The access is for a purpose related to the responsibilities or business of the sanctioned entity; and

2. The access can be granted, with reasonable restrictions, without imposing a safety risk or impairing efforts to control the wildland fire.

F. A political subdivision of this state, or an entity within a political subdivision of this state, may not enact a law, ordinance or rule governing the private use of a robotic vehicle in relation to a wildland fire.

G. Persons or sanctioned entities using a robotic vehicle must keep the vehicle a reasonable distance from any traffic accident or crime scene being investigated by law enforcement.

H. Pipeline companies, utility companies and agricultural producers may use robotic vehicles to inspect pipelines, utility facilities and agricultural crops or livestock within the limits of their rights of way or property boundaries and may operate at an altitude that provides thorough inspection of the pipelines, utility facilities or agricultural crops or livestock. Below two hundred

1 (200) feet above ground level pipeline operators, utility companies
2 and agricultural producers may operate a robotic vehicle beyond
3 visual line of sight provided:

4 1. The operator stays within the limits of the rights-of-way or
5 within the property boundaries;

6 2. The operator is able to effectively and safely maintain
7 positive control of the robotic vehicle; and

8 3. The operator yields to and remains clear of any manned
9 aircraft in the area.

10 I. Before any such inspection is conducted, the utility company
11 shall notify all residents within the inspection area of the
12 upcoming inspection. Notice shall be given seven (7) calendar days
13 prior to the inspection. During a state of emergency, as declared
14 by the Governor, notification of property owners is not required.

15 J. Except as prescribed in subsection F of this section, a
16 political subdivision of this state, or an entity within a political
17 subdivision of this state may establish guidelines and restrictions
18 on the use of robotic vehicles within their jurisdiction.

19 K. The Director of the Oklahoma Aeronautics Commission shall
20 report to the Legislature as needed on issues concerning the
21 operation or laws applicable to the operation of aerial robotic
22 vehicle technology.

23 L. The owner, tenant, occupant, invitee or licensee of
24 privately owned real property may initiate a civil action for

1 compensatory damages for violations of this section and may seek
2 injunctive relief to prevent future violations of this section
3 against a person, state agency or political subdivision that
4 violates this act. Evidence obtained or collected in violation of
5 this act is inadmissible as evidence in a criminal prosecution in
6 any court of law in this state.

7 SECTION 2. This act shall become effective November 1, 2017.

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