

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1343

By: Biggs

AS INTRODUCED

An Act relating to aircrafts and airports; creating the Critical Infrastructure and Terrorism Act of 2017; amending Section 1, Chapter 313, O.S.L. 2016 (3 O.S. Supp. 2016, Section 322), which relates to unmanned aircraft; updating language; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Critical Infrastructure and Terrorism Act of 2017".

SECTION 2. AMENDATORY Section 1, Chapter 313, O.S.L. 2016 (3 O.S. Supp. 2016, Section 322), is amended to read as follows:

Section 322 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

1 with a sign or signs that are posted on the property,
2 are reasonably likely to come to the attention of
3 intruders, and indicate that entry is forbidden or
4 flight of unmanned aircraft without site authorization
5 is forbidden:

- 6 (1) a petroleum or alumina refinery,
- 7 (2) an electrical power generating facility,
8 substation, switching station or electrical
9 control center,
- 10 (3) a chemical, polymer or rubber manufacturing
11 facility,
- 12 (4) a water intake structure, water treatment
13 facility, wastewater treatment plant or pump
14 station,
- 15 (5) a natural gas compressor station,
- 16 (6) a liquid natural gas terminal or storage
17 facility,
- 18 (7) a telecommunications central switching office,
- 19 (8) wireless telecommunications infrastructure,
20 including cell towers,
- 21 (9) a port, railroad switching yard, trucking
22 terminal or other freight transportation
23 facility,
- 24

- 1 (10) a gas processing plant, including a plant used in
2 the processing, treatment or fractionation of
3 natural gas or natural gas liquids,
4 (11) a transmission facility used by a federally
5 licensed radio or television station,
6 (12) a steelmaking facility that uses an electric arc
7 furnace to make steel,
8 (13) a facility identified and regulated by the United
9 States Department of Homeland Security Chemical
10 Facility Anti-Terrorism Standards (CFATS)
11 program,
12 (14) a dam that is regulated by the state or federal
13 government, or
14 (15) a natural gas distribution utility facility,
15 including, but not limited to, pipeline
16 interconnections, a city gate or town border
17 station, metering station, aboveground piping, a
18 regulator station and a natural gas storage
19 facility, or
20 b. any aboveground portion of an oil, gas, hazardous
21 liquid or chemical pipeline that is enclosed by a
22 fence or other physical barrier that is obviously
23 designed to exclude intruders;
24

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

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

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

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

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

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

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

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

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

4 3. A law enforcement agency;

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

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

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

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

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

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

20 D. Any person ~~in violation~~ who violates any provision of this
21 section may be civilly liable for damages to the critical
22 infrastructure facility to include, but not be limited to, damage to
23 property, the environment or human health.

SECTION 3. This act shall become effective November 1, 2017.

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