

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3132

By: Murdock

AS INTRODUCED

An Act relating to unmanned aircraft; defining terms; prohibiting operation of unmanned aircraft over private agricultural property; providing exceptions; defining certain notice; limiting certain notice requirement; prescribing certain conduct not authorized; 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 323 of Title 3, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Agricultural property" means land which is primarily used for farming, ranching, hunting, fishing or forestry purposes; and

2. "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, communication links and other additional equipment necessary to operate the aircraft and includes unmanned aircraft commonly called drones.

1 B. Except as provided in subsection C of this section, a person
2 shall not intentionally or knowingly operate an unmanned aircraft
3 over the private agricultural property of another.

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

5 1. The federal government, the state or a political subdivision
6 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. A person who has the prior written consent of the property
14 owner or legal tenant or lessee of the property;

15 6. A public utility or oil and gas company primarily engaged in
16 commercial operations for the production, sale and distribution of
17 electricity, oil or natural gas, or any person or persons under
18 contract or at the direction or on behalf of the public utility or
19 oil and gas company that have an existing easement or right-of-way
20 and have notified the owner of the property. Prominently displaying
21 or erecting a sign or language reasonably calculated to communicate
22 to the owner of the property the identity of the company and
23 description of the activity during and in close proximity to the
24 actual operation of the unmanned aircraft shall be deemed sufficient

1 notice under this paragraph. Such notice shall not be required when
2 the operation of the unmanned aircraft is being performed to assess
3 the location of actual outage on any electric delivery
4 infrastructure; or

5 7. An operator of an unmanned aircraft that is being used for a
6 commercial purpose, provided that the operator is authorized by the
7 Federal Aviation Administration to conduct the operation.

8 D. Nothing in subsection C of this section shall purport to
9 authorize conduct which would constitute an unreasonable search or
10 seizure under the Fourth Amendment of the United States Constitution
11 or Section 30 of Article II of the Oklahoma Constitution.

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

16 SECTION 2. This act shall become effective November 1, 2018.

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