

An Act

ENROLLED SENATE
BILL NO. 920

By: Rosino of the Senate

and

Miller and Hill of the
House

An Act relating to aerospace infrastructure; amending 3 O.S. 2021, Sections 101 and 102.1, as amended by Section 12, Chapter 126, O.S.L. 2023 (3 O.S. Supp. 2024, Section 102.1), which relate to the Airport Zoning Act; defining terms; requiring certain permit for construction within certain radius of a heliport or vertiport; amending 3 O.S. 2021, Section 421, as last amended by Section 15, Chapter 135, O.S.L. 2024 (3 O.S. Supp. 2024, Section 421), which relates to the Oklahoma Department of Aerospace and Aeronautics as the clearinghouse for unmanned aircraft systems; granting Oklahoma Department of Aerospace and Aeronautics certain authority; updating statutory language; and providing an effective date.

SUBJECT: Aerospace infrastructure

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

SECTION 1. AMENDATORY 3 O.S. 2021, Section 101, is amended to read as follows:

Section 101. As used in this act, unless the context otherwise requires:

~~(1)~~ 1. "Airport" means an area of land or water that is used or intended to be used for the landing and taking off of aircraft including its buildings and facilities, if any;i

~~(2)~~ 2. "Airport hazard" means any structure, object of natural growth or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft~~;~~;

~~(3)~~ 3. "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this act~~;~~;

~~(4)~~ 4. "Heliport" means an area of land, water, or a structure used or intended to be used for the landing and takeoff of helicopters;

5. "Political subdivision" means any municipality, city, town, village, or county~~;~~;

~~(5)~~ 6. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof~~;~~;

~~(6)~~ 7. "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines~~;~~;

~~(7)~~ 8. "Tree" means any object of natural growth~~;~~; and

9. "VTOL aircraft" means an aircraft which has vertical takeoff and landing capability.

SECTION 2. AMENDATORY 3 O.S. 2021, Section 102.1, as amended by Section 12, Chapter 126, O.S.L. 2023 (3 O.S. Supp. 2024, Section 102.1), is amended to read as follows:

Section 102.1. A. In order to prevent the erection of structures dangerous to air navigation, subject to the provisions of subsections B, C and D of this section, each person shall secure from the local airport zoning authority, or in the absence of a local airport zoning authority, the Oklahoma Department of Aerospace and Aeronautics, a permit for the erection, alteration, or modification of any structure the result of which would exceed the

federal obstruction standards as contained in 14 CFR, Part 77. Permits from the local airport zoning authority will be required only within an airport hazard area where federal standards are exceeded and if the proposed construction is within:

1. A 10-nautical mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport open for public use which has a published instrument approach procedure;

2. A 6-nautical mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport open for public use which has no published instrument approach procedure and has runways in excess of three thousand two hundred (3,200) feet in length; ~~or~~

3. A 2.5-nautical mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport open for public use which has no published instrument approach and has runways three thousand two hundred (3,200) feet or less in length; or

4. A 1-nautical mile radius of the geographical center of a publicly owned or operated heliport or vertiport.

B. Affected airports will be considered as having those facilities which are programmed in the Federal Aviation Administration's Regional Aviation System Plan or the Oklahoma Department of Aerospace and Aeronautics' Oklahoma Airport System Plan and will be so protected.

C. Permit requirements of subsection A of this section shall not apply to projects which received construction permits from the Federal Communications Commission for structures exceeding federal obstruction standards prior to May 20, 1975; nor shall it apply to previously approved structures now existing, or any necessary replacement or repairs to such existing structures, so long as the height and location is unchanged.

D. In determining whether to issue or deny a permit, the local airport zoning authority shall consider:

1. The nature of the terrain and height of existing structures;
2. Public and private interests and investments;
3. The character of flying operations and planned developments of airports, heliports, and vertiports;
4. Federal airways as designated by the Federal Aviation Administration that lie within the radii described in paragraphs 1 through 3 of subsection A of this section;
5. Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport;
6. Technological advances;
7. The safety of persons on the ground and in the air; and
8. Land use density.

E. In order to promote the health, safety, and welfare of the public and to protect persons and property by promoting safety in aeronautics, the Oklahoma Department of Aerospace and Aeronautics may review any structure erected, altered, or modified since January 1, 1996, in which no permit was secured from the local airport zoning authority because of the absence of a local airport authority. The Oklahoma Department of Aerospace and Aeronautics shall determine whether such structures meet the requirements set forth in this section. If the structures do not meet the requirements as set forth in this section, the Oklahoma Department of Aerospace and Aeronautics may request the owners of such structure to make any necessary modifications to protect the health, safety, and welfare of the public, including, but not limited to, altering, marking, mapping, or identifying such structure. The Oklahoma Department of Aerospace and Aeronautics may assist the owner of such structure in any manner deemed feasible by the Oklahoma Department of Aerospace and Aeronautics.

SECTION 3. AMENDATORY 3 O.S. 2021, Section 421, as last amended by Section 15, Chapter 135, O.S.L. 2024 (3 O.S. Supp. 2024, Section 421), is amended to read as follows:

Section 421. A. The Oklahoma Department of Aerospace and Aeronautics is hereby established as the clearinghouse for unmanned aircraft systems (UAS) and advanced air mobility (AAM) in this state and shall be designated as the agency of this state for the promotion, enhancement, and development of UAS and AAM as well as any associated infrastructure necessary to ensure the safe integration and use of this new technology within the state. The purpose of this clearinghouse is to create a partnership between those entities that currently operate UAS, those that desire to use this technology in the future and other entities that can support the research and development of UAS to ensure that this state can more effectively respond to the needs of this critical sector of the aviation and aerospace industry. In the operation of this clearinghouse, the Department shall cooperate, assist and coordinate with the federal government, agencies of this state, tribal entities, municipalities, and other persons in the development of unmanned aircraft systems throughout the state to ensure the acceptance of this technology and the successful integration of UAS into the National Airspace System. Contingent upon the availability of funds, the Oklahoma Department of Aerospace and Aeronautics may use established program processes or may contract with other qualified entities to carry out the duties and responsibilities of the Unmanned Aircraft Systems Development Act of 2021.

B. The primary goal of the clearinghouse within the Department is to establish a central point within state government to develop and implement the strategy for how this state can become a leader in the UAS and AAM industry. It will focus the collective resources, knowledge, information, and assets within state government to ensure coordinated efforts amongst all parties. The clearinghouse will have the authority to:

1. Conduct research on what other states and localities are doing insofar as their UAS rules and regulations so that it can provide recommendations to ensure this state is in the best position within the industry;

2. Organize and coordinate the application for any UAS and AAM test site, integration opportunity, pilot program or grant funding on behalf of this state;

3. Maintain a registry of UAS being operated by state agencies, except those UAS that are part of a university-affiliated research program;

4. Maintain a registry of educational institutions that offer training programs for users of UAS; ~~and~~

5. Investigate the development of, and if necessary, create a statewide system plan that will provide the framework for the construction, development, siting, and potential partnerships required for vertiports and other infrastructure needed to integrate AAM and UAS into the existing air transportation system of the state;

6. Develop a statewide network of UAS and AAM detection systems as necessary to support the safe integration of these technologies into the state's existing air transportation system; and

7. Create statewide or regional command, control, and radar systems or centers to carry out the provisions of paragraph 6 of this subsection and the Department's efforts to bring UAS and AAM testing and development to the state. These systems or centers can be stand-alone or in partnership with other federal, state, local, tribal, or non-profit entities.

C. The Department is authorized to enter into partnerships with any city or town of this state and any county or political subdivision or district in this state, or any public trust thereof, or any federal government entity for the purpose of investing in and operating infrastructure and any other items necessary to safely and effectively integrate AAM and UAS into the existing air transportation system of this state as well as the testing and development of these aeronautical technologies.

SECTION 4. This act shall become effective November 1, 2025.

Passed the Senate the 25th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 7th day of May, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____