

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2599

 By: Wood

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8 COMMITTEE SUBSTITUTE

9 An Act relating to unmanned aircraft; defining terms;
10 prohibiting operation of an unmanned aircraft over a
11 critical infrastructure facility; excepting conduct
12 of specified entities or persons; prescribing
13 punishment for violation; providing for codification;
14 and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 322 of Title 3, unless there is
18 created a duplication in numbering, reads as follows:

19 A. As used in this section:

20 1. "Critical infrastructure facility" means:

- 21 a. one of the following, if completely enclosed by a
22 fence or other physical barrier that is obviously
23 designed to exclude intruders, or if clearly marked
24 with a sign or signs that are posted on the property,

1 are reasonably likely to come to the attention of
2 intruders, and indicate that entry is forbidden:

3 (1) a petroleum or alumina refinery,

4 (2) an electrical power generating facility,
5 substation, switching station or electrical
6 control center,

7 (3) a chemical, polymer or rubber manufacturing
8 facility,

9 (4) a water intake structure, water treatment
10 facility, wastewater treatment plant or pump
11 station,

12 (5) a natural gas compressor station,

13 (6) a liquid natural gas terminal or storage
14 facility,

15 (7) a telecommunications central switching office,

16 (8) wireless telecommunications infrastructure,
17 including cell towers,

18 (9) a port, railroad switching yard, trucking
19 terminal or other freight transportation
20 facility,

21 (10) a gas processing plant, including a plant used in
22 the processing, treatment or fractionation of
23 natural gas or natural gas liquids,
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1 (11) a transmission facility used by a federally
2 licensed radio or television station,

3 (12) a steelmaking facility that uses an electric arc
4 furnace to make steel,

5 (13) a facility identified and regulated by the United
6 States Department of Homeland Security Chemical
7 Facility Anti-Terrorism Standards (CFATS)
8 program, or

9 (14) a dam that is regulated by the state or federal
10 government, or

11 b. any aboveground portion of an oil, gas, hazardous
12 liquid or chemical pipeline that is enclosed by a
13 fence or other physical barrier that is obviously
14 designed to exclude intruders;

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

18 3. "Unmanned aircraft" means an aircraft without occupants that
19 is flown by a pilot via a ground control system or autonomously
20 through use of an onboard computer and other additional equipment
21 necessary to operate the aircraft and includes unmanned aircraft
22 commonly called drones.

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

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

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

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

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

11 1. The federal government, the state or a political subdivision
12 of the state;

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

16 3. A law enforcement agency;

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

19 5. An owner or operator of the critical infrastructure
20 facility;

21 6. A person under contract with or otherwise acting under the
22 direction or on behalf of an owner or operator of the critical
23 infrastructure facility;

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

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

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

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

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

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15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/29/2016 -
16 DO PASS, As Amended.

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