

1 **SENATE FLOOR VERSION**

2 April 7, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2599

6 By: Wood of the House

7 and

8 Sharp of the Senate

9 **[unmanned aircraft over a critical infrastructure
10 facility - codification - effective date]**

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

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

15 A. As used in this section:

16 1. "Critical infrastructure facility" means:

17 a. one of the following, if completely enclosed by a
18 fence or other physical barrier that is obviously
19 designed to exclude intruders, or if clearly marked
20 with a sign or signs that are posted on the property,
21 are reasonably likely to come to the attention of
22 intruders, and indicate that entry is forbidden:

23 (1) a petroleum or alumina refinery,

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- 1 (2) an electrical power generating facility,
2 substation, switching station or electrical
3 control center,
- 4 (3) a chemical, polymer or rubber manufacturing
5 facility,
- 6 (4) a water intake structure, water treatment
7 facility, wastewater treatment plant or pump
8 station,
- 9 (5) a natural gas compressor station,
- 10 (6) a liquid natural gas terminal or storage
11 facility,
- 12 (7) a telecommunications central switching office,
- 13 (8) wireless telecommunications infrastructure,
14 including cell towers,
- 15 (9) a port, railroad switching yard, trucking
16 terminal or other freight transportation
17 facility,
- 18 (10) a gas processing plant, including a plant used in
19 the processing, treatment or fractionation of
20 natural gas or natural gas liquids,
- 21 (11) a transmission facility used by a federally
22 licensed radio or television station,
- 23 (12) a steelmaking facility that uses an electric arc
24 furnace to make steel,

1 (13) a facility identified and regulated by the United
2 States Department of Homeland Security Chemical
3 Facility Anti-Terrorism Standards (CFATS)
4 program,

5 (14) a dam that is regulated by the state or federal
6 government, or

7 (15) a natural gas distribution utility facility,
8 including, but not limited to, pipeline
9 interconnections, a city gate or town border
10 station, metering station, aboveground piping, a
11 regulator station and a natural gas storage
12 facility, or

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

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

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

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

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

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

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

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

13 1. The federal government, the state or a political subdivision
14 of the state;

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

18 3. A law enforcement agency;

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

21 5. An owner or operator of the critical infrastructure
22 facility;

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1 6. A person under contract with or otherwise acting under the
2 direction or on behalf of an owner or operator of the critical
3 infrastructure facility;

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

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

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

12 D. 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, 2016.

17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
18 April 7, 2016 - DO PASS AS AMENDED
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