

1 ENGROSSED SENATE
2 BILL NO. 630

By: Simpson of the Senate

3 and

4 Ownbey of the House

5
6 [robotic vehicle technology - private property
7 rights - certain penalty - certain use - certain
8 notification - report to the legislature - civil
9 action - codification - effective date]
10

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 323 of Title 3, unless there is
14 created a duplication in numbering, reads as follows:

15 A. As used in this section:

16 1. "Robotic vehicle" means any unmanned or uninhabited vehicle
17 that is capable of either powered locomotion on the ground or
18 powered flight in the air, or both, and that does not carry a human
19 operator on or in the vehicle. A robotic vehicle may be remotely
20 controlled or programmed to operate autonomously or on planned
21 routes;

22 2. "Image" means a record of thermal, infrared, ultraviolet,
23 visible light or other electromagnetic waves; sound waves; odors; or
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1 other physical phenomena which capture conditions existing on or
2 about real property or an individual located on that property;

3 3. "Imaging device" means a mechanical, digital or electronic
4 viewing device, still camera, camcorder, motion picture camera or
5 any other instrument, equipment or format capable of recording,
6 storing or transmitting an image;

7 4. "Incident commander" means the government official or
8 employee in command of the response to a wildland fire;

9 5. "Law enforcement" means a lawfully established state or
10 local public agency that is responsible for the prevention and
11 detection of crime, local government code enforcement and the
12 enforcement of penal, traffic, regulatory, game or controlled-
13 substance laws;

14 6. "Sanctioned entity" includes a person that oversees, is
15 employed by or is working under the direction of a government
16 entity, a telecommunications provider, a utility provider, the owner
17 or operator of a pipeline, an agricultural producer or news media;
18 and

19 7. "Surveillance" means:

20 a. with respect to an owner, tenant, occupant, invitee or
21 licensee of privately owned real property, the
22 observation of such persons with sufficient visual
23 clarity to be able to obtain information about their
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1 identity, habits, conduct, movements or whereabouts,
2 or

3 b. with respect to privately-owned real property, the
4 observation of such property's physical improvements
5 with sufficient visual clarity to be able to determine
6 unique identifying features or its occupancy by one or
7 more persons.

8 B. A person, a state agency or a political subdivision may not
9 use a robotic vehicle equipped with an imaging device to record an
10 image of privately owned real property or of the owner, tenant,
11 occupant, invitee or licensee of such property with the intent to
12 conduct surveillance on the individual or property captured in the
13 image in violation of the person's reasonable expectation of privacy
14 without his or her written consent or pursuant to a search warrant.

15 C. The following acts shall constitute a trespass upon the
16 surface of the property directly below for purposes of interpreting
17 applicable Oklahoma statutes and ordinances and adjudicating
18 property rights and claims:

19 1. Operation of a robotic vehicle at an altitude less than two
20 hundred (200) feet above ground level including on the surface of
21 the ground; or

22 2. Operation of a robotic vehicle at a distance of less than
23 fifty (50) feet from any structure that is taller than one hundred
24 fifty (150) feet above ground level.

1 D. A person may not operate a robotic vehicle within an area of
2 a wildland fire scene managed by a federal, state or local
3 government entity, unless the person operates the robotic device
4 with the permission of, and in accordance with the restrictions
5 established by the incident commander. A person, other than a
6 government official or a government employee acting within the
7 person's capacity as a government official or government employee,
8 that recklessly operates within an area described within this
9 section is guilty of:

10 A misdemeanor punishable by a fine of up to Five Hundred Dollars
11 (\$500.00) if the operation of the unmanned aircraft system causes an
12 aircraft being used to contain or control a wildland fire to:

- 13 a. drop a payload of water or fire retardant in a
14 location other than the location originally designated
15 for the aircraft to drop the payload, or
- 16 b. land without dropping a payload of water or fire
17 retardant in the location originally designated for
18 the aircraft to drop the payload.

19 E. The incident commander of a wildland fire shall grant
20 reasonable access to the area of, and within three miles of, the
21 wildland fire to a sanctioned entity if:

- 22 1. The access is for a purpose related to the responsibilities
23 or business of the sanctioned entity; and

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1 2. The access can be granted, with reasonable restrictions,
2 without imposing a safety risk or impairing efforts to control the
3 wildland fire.

4 F. A political subdivision of this state, or an entity within a
5 political subdivision of this state, may not enact a law, ordinance
6 or rule governing the private use of a robotic vehicle in relation
7 to a wildland fire.

8 G. Persons or sanctioned entities using a robotic vehicle must
9 keep the vehicle a reasonable distance from any traffic accident or
10 crime scene being investigated by law enforcement.

11 H. Pipeline companies, utility companies and agricultural
12 producers may use robotic vehicles to inspect pipelines, utility
13 facilities and agricultural crops or livestock within the limits of
14 their rights of way or property boundaries and may operate at an
15 altitude that provides thorough inspection of the pipelines, utility
16 facilities or agricultural crops or livestock. Below two hundred
17 (200) feet above ground level pipeline operators, utility companies
18 and agricultural producers may operate a robotic vehicle beyond
19 visual line of sight provided:

20 1. The operator stays within the limits of the rights-of-way or
21 within the property boundaries;

22 2. The operator is able to effectively and safely maintain
23 positive control of the robotic vehicle; and

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1 3. The operator yields to and remains clear of any manned
2 aircraft in the area.

3 I. Except as prescribed in subsection F of this section, a
4 political subdivision of this state, or an entity within a political
5 subdivision of this state, may establish guidelines and restrictions
6 on the use of robotic vehicles within their jurisdiction.

7 J. The Director of the Oklahoma Aeronautics Commission shall
8 report to the Legislature as needed on issues concerning the
9 operation or laws applicable to the operation of aerial robotic
10 vehicle technology.

11 K. The owner, tenant, occupant, invitee or licensee of
12 privately owned real property may initiate a civil action for
13 compensatory damages for violations of this section and may seek
14 injunctive relief to prevent future violations of this section
15 against a person, state agency or political subdivision that
16 violates this act. Evidence obtained or collected in violation of
17 this act is inadmissible as evidence in a criminal prosecution in
18 any court of law in this state.

19 SECTION 2. This act shall become effective November 1, 2017.

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1 Passed the Senate the 21st day of March, 2017.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

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8 _____
9 Presiding Officer of the House
10 of Representatives