

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1885

By: Bergstrom

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5  
6 AS INTRODUCED

7 An Act relating to aircraft; amending Section 1,  
8 Chapter 313, O.S.L. 2016 (3 O.S. Supp. 2019, Section  
9 322), which relates to critical infrastructure  
10 facilities; adding certain facilities to certain  
11 critical infrastructure facilities list; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 313, O.S.L.  
15 2016 (3 O.S. Supp. 2019, Section 322), is amended to read as  
16 follows:

17 Section 322. A. As used in this section:

18 1. "Critical infrastructure facility" means:

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

1 flight of unmanned aircraft without site authorization  
2 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,  
24

- 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,  
9 (14) a dam that is regulated by the state or federal  
10 government, ~~or~~  
11 (15) a natural gas distribution utility facility,  
12 including, but not limited to, pipeline  
13 interconnections, a city gate or town border  
14 station, metering station, aboveground piping, a  
15 regulator station and a natural gas storage  
16 facility, or  
17 (16) any state or county correctional facility, or

- 18 b. any aboveground portion of an oil, gas, hazardous  
19 liquid or chemical pipeline that is enclosed by a  
20 fence or other physical barrier that is obviously  
21 designed to exclude intruders;

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

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

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

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

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

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

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

18           1. The federal government, the state or a political subdivision  
19 of the state;

20           2. A person under contract with or otherwise acting under the  
21 direction or on behalf of the federal government, the state or a  
22 political subdivision of the state;

23           3. A law enforcement agency;

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

3           5. An owner or operator of the critical infrastructure  
4 facility;

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

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

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

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

16          D. Any person in violation of this section may be civilly  
17 liable for damages to the critical infrastructure facility to  
18 include, but not be limited to, damage to property, the environment  
19 or human health.

20          SECTION 2. This act shall become effective November 1, 2020.

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