

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2174

6 By: Hilbert

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to aircraft and airports; creating
10 the Unmanned Aircraft Systems Development Act of
11 2021; stating legislative intent; establishing the
12 Oklahoma Aeronautics Commission as the clearinghouse
13 for unmanned aircraft systems (UAS); designating the
14 Commission as the agency to promote, enhance, develop
15 and ensure safety of UAS; stating purpose of the
16 clearinghouse; requiring the Commission cooperate
17 with other entities for the development and
18 acceptance of UAS; allowing the Commission to use
19 established processes or use of contracting to
20 achieve goals; stating primary goal of clearinghouse;
21 stating duties of clearinghouse; amending 3 O.S.
22 2011, Section 82, which relates to definitions;
23 defining terms; providing for noncodification;
24 providing for codification; and providing an
effective date.

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

SECTION 1. NEW LAW A new section of law not to be

codified in the Oklahoma Statutes reads as follows:

A. This act shall be known and may be cited as the "Unmanned
Aircraft Systems Development Act of 2021".

1 B. It is the intent of the Oklahoma Legislature to bring
2 awareness to the fact that unmanned aircraft systems (UAS) or drones
3 offer extraordinary and vast potential for transforming the way we
4 live and work. Fully realizing and implementing the benefits of UAS
5 will require public acceptance and a comprehensive statewide
6 strategy. This act intends to ensure that the state's UAS resources
7 can be brought together to organize, collaborate and cooperate with
8 each other for the purposes of ensuring the successful integration
9 of UAS and to ensure that UAS are used in a safe, responsible and
10 lawful manner, so that the public can, with confidence, embrace this
11 new and incredible technology.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 401 of Title 3, unless there is
14 created a duplication in numbering, reads as follows:

15 A. The Oklahoma Aeronautics Commission is hereby established as
16 the clearinghouse for unmanned aircraft systems (UAS) in the State
17 of Oklahoma and shall be designated as the agency of this state for
18 the promotion, enhancement and development of UAS and to ensure the
19 safe integration and use of this new technology within the state.
20 The purpose of this clearinghouse is to create a partnership between
21 those entities that currently operate UAS, those that desire to use
22 this technology in the future and other entities that can support
23 the research and development of UAS to ensure that the State of
24 Oklahoma can more effectively respond to the needs of this critical

1 | sector of the aviation and aerospace industry. In the operation of
2 | this clearinghouse, the Commission shall cooperate, assist and
3 | coordinate with the federal government, agencies of this state,
4 | tribal entities, municipalities and other persons in the development
5 | of unmanned aircraft systems throughout the state to ensure the
6 | acceptance of this technology and the successful integration of UAS
7 | into the National Airspace System. Contingent upon the availability
8 | of funds, the Oklahoma Aeronautics Commission may use established
9 | program processes or may contract with other qualified entities to
10 | carry out the duties and responsibilities of this act.

11 | B. The primary goal of the UAS clearinghouse within the
12 | Commission is to establish a central point within state government
13 | to develop the strategy for how the State of Oklahoma can become a
14 | leader in the UAS industry. It will focus the collective resources,
15 | knowledge, information and assets within state government to ensure
16 | coordinated efforts amongst all parties. The clearinghouse will:

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

21 | 2. Organize and coordinate the application for any UAS test
22 | site, integration opportunity, pilot program or grant funding on
23 | behalf of the State of Oklahoma;

24 |

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

4 4. Maintain a registry of educational institutions that offer
5 training programs for users of UAS.

6 SECTION 3. AMENDATORY 3 O.S. 2011, Section 82, is
7 amended to read as follows:

8 Section 82. As used in the Oklahoma Aeronautics Commission Act,
9 unless the context otherwise requires:

10 ~~(a)~~ 1. "Aeronautics" means the science, art, and practice of
11 flight including, but not limited to, transportation by aircraft and
12 matters relating to air commerce; the operation, construction,
13 repair, or maintenance of aircraft, aircraft power plants and
14 accessories, including the repair, packing, and maintenance of
15 parachutes; the design, establishment, construction, extension,
16 operation, improvement, repair, or maintenance of airports,
17 restricted landing areas, or other air navigation facilities; and
18 instruction in flying or ground subjects pertaining thereto-

19 ~~(b) "Aircraft" means any contrivance now known, or hereafter~~
20 ~~invented, used, or designed for navigation of or flight in the air~~
21 ~~or airspace.~~

22 ~~(c) "Airport" means an area of land or water that is used, or~~
23 ~~intended to be used, for the landing and takeoff of aircraft, and~~
24 ~~buildings and facilities, if any.~~

1 ~~(d) "Airspace" means that portion of the atmosphere overlying a~~
2 ~~designated geographical area considered as subject to territorial~~
3 ~~jurisdiction or international law in respect to its use by aircraft,~~
4 ~~guided missiles, and rockets.~~

5 ~~(e) "Commission" means the Oklahoma Aeronautics Commission.~~

6 ~~(f) "Director" means the Director of Aeronautics of Oklahoma.~~

7 ~~(g) "State" or "this state" means the State of Oklahoma.~~

8 ~~(h) "Air navigation facility" means any facility used in,~~
9 ~~available for use in, or designed for use in, aid of air navigation,~~
10 ~~including landing areas, any structures, mechanisms, lights,~~
11 ~~beacons, markers, communicating systems, or other instrumentalities~~
12 ~~or devices used or useful as an aid, or constituting an advantage or~~
13 ~~convenience, to the safe taking off, navigation, and landing of~~
14 ~~aircraft, or the safe and efficient operation or maintenance of an~~
15 ~~airport, and any combination of any or all of such facilities.~~

16 ~~(i) "Operation of aircraft" or "operate aircraft" means the~~
17 ~~use, navigation, or piloting of aircraft in the airspace over this~~
18 ~~state or upon any airport within this state.~~

19 ~~(j) "Airman" means any individual who engages, as the person in~~
20 ~~command, or as pilot, mechanic, or member of the crew, in the~~
21 ~~navigation of aircraft while under way, and any individual who is~~
22 ~~directly in charge of the inspection, maintenance, overhauling, or~~
23 ~~repair of aircraft, aircraft engines, propellers, and appliances.~~

1 ~~(k) "Person" means any individual, firm, partnership,~~
2 ~~corporation, company, association, joint stock association, or body~~
3 ~~politic; and includes any trustee, receiver, assignee, or other~~
4 ~~similar representative thereof.~~

5 ~~(l) "Municipality" means any incorporated city, village, or~~
6 ~~town of this state and any county or political subdivision or~~
7 ~~district in this state, or any public trust thereof, which is, or~~
8 ~~may be, authorized by law to acquire, establish, construct,~~
9 ~~maintain, improve, and operate airports, airstrips, and aeronautical~~
10 ~~navigation facilities.~~

11 ~~(m) "Aeronautical hazard" means any structure, object of~~
12 ~~natural growth, or use of land, which obstructs the airspace~~
13 ~~required for the flight of aircraft in landing or taking off at an~~
14 ~~airport that is otherwise hazardous to the operation and navigation~~
15 ~~of aircraft.~~

16 ~~(n) "Resources" means services, facilities, funds, equipment,~~
17 ~~property, personnel, and such other activities as are customarily~~
18 ~~included within the term.~~

19 ~~(o) "Helipad" means a small, designated area, usually with a~~
20 ~~prepared surface, on a heliport, airport, landing or takeoff area,~~
21 ~~apron or ramp, or movement area used for takeoff, landing or parking~~
22 ~~of helicopters.~~

1 ~~(p) "Helipport" means an area of land, water or structure used~~
2 ~~or intended to be used for the landing and takeoff of helicopters~~
3 ~~and includes its buildings and facilities, if any.~~

4 ~~(q) "Commercial service airport" means an airport meeting the~~
5 ~~current Federal Aviation Administration definition for commercial~~
6 ~~service airport.~~

7 ~~(r) "Primary commercial service airport" means an airport~~
8 ~~meeting the current Federal Aviation Administration definition for~~
9 ~~primary commercial service airport.~~

10 ~~(s) "Reliever airport" means an airport designated by the~~
11 ~~Federal Aviation Administration as a reliever airport and which~~
12 ~~provides substantial capacity or instrument training relief to a~~
13 ~~primary commercial service airport.~~

14 ~~(t) "General aviation airport" means an airport not meeting the~~
15 ~~criteria for definition as a commercial service or reliever airport;~~

16 2. "Aeronautical hazard" means any structure, object of natural
17 growth, or use of land, which obstructs the airspace required for
18 the flight of aircraft in landing or taking off at an airport that
19 is otherwise hazardous to the operation and navigation of aircraft;

20 3. "Air navigation facility" means any facility used in,
21 available for use in, or designed for use in, aid of air navigation,
22 including landing areas, any structures, mechanisms, lights,
23 beacons, markers, communicating systems, or other instrumentalities
24 or devices used or useful as an aid, or constituting an advantage or

1 convenience, to the safe taking off, navigation, and landing of
2 aircraft, or the safe and efficient operation or maintenance of an
3 airport, and any combination of any or all of such facilities;

4 4. "Aircraft" means any contraption now known, or hereafter
5 invented, used, or designed for navigation of or flight in the air
6 or airspace;

7 5. "Airman" means any individual who engages, as the person in
8 command, or as a pilot, mechanic, or member of the crew, in the
9 navigation of aircraft while under way, and any individual who is
10 directly in charge of the inspection, maintenance, overhauling, or
11 repair of aircraft, aircraft engines, propellers, and appliances;

12 6. "Airport" means an area of land or water that is used, or
13 intended to be used, for the landing and takeoff of aircraft, and
14 buildings and facilities, if any;

15 7. "Airspace" means that portion of the atmosphere overlying a
16 designated geographical area considered as subject to territorial
17 jurisdiction or international law in respect to its use by aircraft,
18 guided missiles, and rockets;

19 8. "Commercial service airport" means an airport meeting the
20 current Federal Aviation Administration definition for commercial
21 service airport;

22 9. "Commission" means the Oklahoma Aeronautics Commission;

23 10. "Director" means the Director of Aeronautics of Oklahoma;

1 11. "General aviation airport" means an airport not meeting the
2 criteria for definition as a commercial service or reliever airport;

3 12. "Helipad" means a small, designated area, usually with a
4 prepared surface, on a heliport, airport, landing or takeoff area,
5 apron or ramp, or movement area used for takeoff, landing or parking
6 of helicopters;

7 13. "Heliport" means an area of land, water or structure used
8 or intended to be used for the landing and takeoff of helicopters
9 and includes its buildings and facilities, if any;

10 14. "Manned aircraft" means an aircraft, as defined in this
11 section, that is operated with a person in or on the aircraft;

12 15. "Model aircraft" means an aircraft as defined in this
13 section that is mechanically driven or launched into flight and that
14 meets all of the following requirements:

15 a. is flown solely for hobby or recreational purposes,

16 and

17 b. is not used for payment, consideration, gratuity or

18 benefit, directly or indirectly charged, demanded,

19 received or collected by any person for the use of the

20 aircraft or any photographic or video image produced

21 by the aircraft;

22 16. "Municipality" means any incorporated city, village, or
23 town of this state and any county or political subdivision or
24 district in this state, or any public trust thereof, which is, or

1 may be, authorized by law to acquire, establish, construct,
2 maintain, improve, and operate airports, airstrips, and aeronautical
3 navigation facilities;

4 17. "Operation of aircraft" or "operate aircraft" means the
5 use, navigation, or piloting of aircraft in the airspace over this
6 state or upon any airport within this state;

7 18. "Person" means any individual, firm, partnership,
8 corporation, company, association, joint stock association, or body
9 politic and includes any trustee, receiver, assignee, or other
10 similar representative thereof;

11 19. "Primary commercial service airport" means an airport
12 meeting the current Federal Aviation Administration definition for
13 primary commercial service airport;

14 20. "Reliever airport" means an airport designated by the
15 Federal Aviation Administration as a reliever airport and which
16 provides substantial capacity or instrument training relief to a
17 primary commercial service airport;

18 21. "Resources" means services, facilities, funds, equipment,
19 property, personnel, and such other activities as are customarily
20 included within the term;

21 22. "State" or "this state" means the State of Oklahoma;

22 23. "Unmanned aircraft" means an aircraft, as defined in this
23 section, that is operated without the possibility of human
24 intervention from within or on the aircraft; and

1 24. "Unmanned aircraft system" means an unmanned aircraft and
2 associated elements including communication links and components
3 that control the unmanned aircraft that are required for the pilot
4 in command to operate safely and efficiently in the National
5 Airspace System.

6 SECTION 4. This act shall become effective November 1, 2021.

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8 58-1-7730 JBH 02/24/21