

1 **SENATE FLOOR VERSION**

2 February 28, 2017

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 630

By: Simpson of the Senate

and

Ownbey of the House

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9 [robotic vehicle technology - private property
10 rights - certain penalty - certain use certain
11 notification report to the legislature - civil action
12 - codification - effective date.]

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 323 of Title 3, unless there is
16 created a duplication in numbering, reads as follows:

17 A. As used in this section:

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

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

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

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

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

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

21 7. "Surveillance" means:

22 a. with respect to an owner, tenant, occupant, invitee or
23 licensee of privately owned real property, the
24 observation of such persons with sufficient visual

1 clarity to be able to obtain information about their
2 identity, habits, conduct, movements or whereabouts,
3 or

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

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

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

20 1. Operation of a robotic vehicle at an altitude less than two
21 hundred (200) feet above ground level including on the surface of
22 the ground; or
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1 2. Operation of a robotic vehicle at a distance of less than
2 fifty (50) feet from any structure that is taller than one hundred
3 fifty (150) feet above ground level.

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

13 1. A misdemeanor punishable by a fine of up to Five Hundred
14 Dollars (\$500.00) if the operation of the unmanned aircraft system
15 causes an aircraft being used to contain or control a wildland fire
16 to:

- 17 a. drop a payload of water or fire retardant in a
18 location other than the location originally designated
19 for the aircraft to drop the payload, or
- 20 b. land without dropping a payload of water or fire
21 retardant in the location originally designated for
22 the aircraft to drop the payload.

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

4 1. The access is for a purpose related to the responsibilities
5 or business of the sanctioned entity; and

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

9 F. A political subdivision of this state, or an entity within a
10 political subdivision of this state, may not enact a law, ordinance
11 or rule governing the private use of a robotic vehicle in relation
12 to a wildland fire.

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

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

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

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

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

7 I. Before any such inspection is conducted, the utility company
8 shall notify all residents within the inspection area of the
9 upcoming inspection. Notice shall be given seven (7) calendar days
10 prior to the inspection. During a state of emergency, as declared
11 by the Governor, notification of property owners is not required.

12 J. Except as prescribed in subsection F of this section, a
13 political subdivision of this state, or an entity within a political
14 subdivision of this state may establish guidelines and restrictions
15 on the use of robotic vehicles within their jurisdiction.

16 K. The Director of the Oklahoma Aeronautics Commission shall
17 report to the Legislature as needed on issues concerning the
18 operation or laws applicable to the operation of aerial robotic
19 vehicle technology.

20 L. The owner, tenant, occupant, invitee or licensee of
21 privately owned real property may initiate a civil action for
22 compensatory damages for violations of this section and may seek
23 injunctive relief to prevent future violations of this section
24 against a person, state agency or political subdivision that

1 violates this act. Evidence obtained or collected in violation of
2 this act is inadmissible as evidence in a criminal prosecution in
3 any court of law in this state.

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

5 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
6 February 28, 2017 - DO PASS AS AMENDED
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