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States' Unmanned Aerial Vehicle Laws: *Oklahoma*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

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OK ST T 74 § 5003.12
Okla. Admin. Code 1:2016-15
Okla. Admin. Code 1:2019-12
Okla. Admin. Code 710:65-13-30.1

Current through November 17, 2022

OK ST T 74 § 5003.12 Short Title – Aerospace Commerce Economic Services Act – Purpose – Aerospace and Defense Industry Integrator

A. This act shall be known and may be cited as the “Aerospace Commerce Economic Services Act”.

B. There is hereby created within the Oklahoma Department of Commerce, the Aerospace Commerce Economic Services (ACES), whose purpose shall be to create a partnership of service providers to more effectively respond to the needs of the aviation, aerospace and defense industries in the areas of education and training, research, and economic development. ACES will focus available resources to promote cooperation and collaboration among businesses, manufacturers, military installations, commercial aviation, educational institutions, nonprofit research institutions and state government for the purpose of strengthening the economy of the State of Oklahoma. Contingent upon the availability of funds, the Oklahoma Department of Commerce may employ established program processes or may contract with other qualified entities to operate ACES. The Department of Commerce shall partner with the Oklahoma Aeronautics Commission to implement the provisions of this act.

C. ACES is designed to coordinate and integrate the various aerospace resources that currently exist within state and local agencies. The primary goal of ACES is to establish a common statewide strategy for the growth of the Oklahoma aerospace industry. ACES will focus the collective aerospace resources, all or new aerospace resources, to achieve one or more of the following objectives into an integrated, coordinated statewide effort that will:

1. Increase contracts between companies in the aviation, aerospace and defense industries in Oklahoma and the Department of Defense and its prime contractors;
2. Create and retain more high-wage, high-skill jobs;
3. Strengthen collaborations between businesses and aviation, aerospace and defense interests;
4. Reduce the flow of federal defense contract dollars out of state;



5. Expand the aviation, aerospace and defense industries in Oklahoma;
 6. Provide engineering and technical assistance;
 7. Provide more suppliers for Oklahoma military installations and the aviation, aerospace and defense industries;
 8. Reduce costs for the Department of Defense and Oklahoma military installations and increase the competitiveness of aviation, aerospace and defense businesses in Oklahoma;
 9. Create and align goals to grow aerospace business to a top industry in Oklahoma by providing a forum to bring agencies, industry and government together;
 10. Enhance Oklahoma's supply chain utilization in the industry to fill existing gaps in supplier networks;
 11. Develop a recruitment strategy to attract new businesses that reside or have a presence in Oklahoma; and
 12. Create a forum for all aerospace stakeholders in Oklahoma to come together to pool ideas and resources to advance aerospace in the state. State aerospace stakeholders include but are not limited to Federal Aviation Administration, Veterans Administration, Tinker Air Force Base, all Oklahoma military installations, chambers of commerce, Oklahoma Space Industry Development Authority, Oklahoma Department of Commerce, Oklahoma State Regents for Higher Education, Oklahoma Aeronautics Commission, Small Business Administration, Unmanned Aerial Systems Cluster Initiative of Oklahoma and Kansas, Oklahoma Manufacturing Alliance, CareerTech, Oklahoma Center for the Advancement of Science and Technology, Governor's Unmanned Aerial Systems Alliance of Oklahoma, Unmanned Aerial Systems Council and Oklahoma Bid Assistance Network.
- D. ACES shall establish an Aerospace and Defense Industry Integrator. The integrator shall be used to engage key players from the government, academia and other key stakeholders to create an industry-wide vision and strategic map that details a plan to enhance the industry. The integrator shall initiate the following activities:
1. Assessing the current state of the industry, developing and defining a vision for the future of the industry;
 2. Identifying supplier network gaps and developing solutions to fill those gaps;
 3. Identifying funding requirements and developing funding opportunities; and
 4. Establishing ongoing mechanisms to monitor activities and devising a process that includes the development and reporting of metrics to track and manage ongoing progress.
- E. In order to streamline the use of resources with the goal of eliminating duplication of efforts, ACES shall act as a facilitator for the collection and sharing of information and activities concerning the aviation, aerospace and defense industries. ACES shall provide coordination and assistance for the plans and activities of state agencies, task forces, departments, boards, commissions and other entities that have responsibilities or duties regarding the aviation,



aerospace and defense industries with the goal of eliminating duplication of effort.

F. ACES shall support and foster the growth of the aviation, aerospace and defense industries. ACES shall acquire aerospace executive expertise and provide consulting services to the aviation, aerospace and defense industries, government agencies and organizations across the State of Oklahoma in order to strengthen the policy framework, economic development initiatives and activities of the state.

G. ACES may accept funding that includes, but is not limited to:

1. Monetary contributions;
2. Contractual arrangements;
3. In-kind services;
4. Federal- and state-appropriated dollars;
5. Private and public foundation grants; and
6. Fee-for-service products.

Okla. Admin. Code 1:2016-15 Executive Order

Today, I signed into law House Bill 2599, which, among other things, generally prohibits unmanned aircraft from being flown within a close proximity of critical infrastructure like chemical manufacturing facilities and electrical power generating facilities. This law, however, does not apply to an “unmanned aircraft [UA] that is being used for a commercial purpose, if the operator is authorized by the Federal Aviation Administration [FAA] to conduct operations over that airspace.”

The aforementioned exemption for commercial operators is sound policy: since commercial operators are already held to federal standards that are more rigorous than those for hobbyists or recreational fliers, and are also subject to a federal permitting process, more regulation is not needed to protect the public interest. And, because federally-regulated commercial operators may receive a blanket Certificate of Waiver or Authorization for flights anywhere in the country, as long as the flights are conducted in compliance with certain, specific FAA safety standards-including, for instance, height and daytime flight restrictions, as well as avoidance of restricted airspace-it is only logical to equate “operations over that airspace” with “operations over airspace as authorized by the FAA.” Any different interpretation would not only be inconsistent with FAA regulation, but also could force commercial operators to seek the written consent of the facility owner or operator prior to flight-a task so logistically difficult as to functionally disallow commercial UA operations in Oklahoma.

Accordingly, to the extent that any Oklahoma agency is called upon to interpret the exemption at issue (to be codified at Section 322(C)(9) of Title 3 of the Oklahoma Statutes), I hereby direct that such interpretation shall be consistent with this Executive Order.



This Executive Order shall be distributed to the Oklahoma Aeronautics Commission and to all of my Cabinet Secretaries, who shall cause the provisions of this Order to be implemented.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 18th day of May, 2016.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Chris Bengé

Secretary of State

Okla. Admin. Code 1:2019-12 Executive Order

Planes and other aircraft that are owned, leased, chartered, or rented by the State or its agencies (hereinafter, "aircraft") can be an important tool of government. Such vehicles allow for the quick transportation of public officers between far-flung regions of Oklahoma when time is of the essence; permit officials to aerially assess storm, wildfire, or flood damage and better coordinate an effective response to these types of disasters; critically assist search and rescue operations; and, of course, aid in law enforcement's drug interdiction efforts and in the location and capture of criminals, more generally. However, the inherently high cost of acquiring, maintaining, and operating aircraft means that the State of Oklahoma has a responsibility to oversee their acquisition and use with an eye towards coordinating utilization and eliminating inefficiencies.

As a result, therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order as follows:

1. All air assets of State law enforcement agencies, including the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety (DPS), and the Oklahoma State Bureau of Investigation, shall continue to be custody and control of the Commissioner of DPS (hereinafter, "Commissioner").
2. The administrative head of every "state agency," as that term is defined in 61 O.S. § 327(A), [FN1] shall provide advance written notice to the Director of the Office of Management and Enterprise Services (OMES) every time the agency intends to purchase, lease, charter, or rent aircraft. This notice must include the cost of, source of funding for, and projected duration of aircraft use. Any aircraft that is purchased or otherwise permanently acquired by the State or an agency is subject to the reporting requirements of 74 O.S. § 110.1.
3. The Director of OMES, in conjunction with the Commissioner, shall develop a comprehensive management plan for aircraft, which shall be consistent with Oklahoma law-including, but not limited to, 63 O.S. § 2-109 and 74



O.S. §§ 85.12b, 150.16, 500.6, 500.6A, and 500.18-and shall include guidelines for:

- a. The consolidation of storage and maintenance operations of aircraft owned by the State or any of its agencies;
 - b. The shared use of aircraft owned by the State or any of its agencies that prioritizes availability for law enforcement and other public safety initiatives;
 - c. The sale and disposal of aircraft that are not adequately being used or that could be more economically replaced by temporary use alternatives like rentals or charters; and
 - d. Evaluating the cost-effectiveness of and securing approval for specific temporary use alternatives like rentals or charters.
4. The Director of OMES and the Commissioner shall submit the finalized comprehensive management plan to me for review and approval within one hundred and twenty (120) days of issuance of this Order. After approval has been secured, the comprehensive management plan shall be distributed to every Cabinet Secretary, who shall further distribute it to the administrative head of all State agencies within his or her respective Cabinet area. The comprehensive management plan shall also be posted electronically on the websites of OMES, DPS, and the Office of the Governor.
5. OMES may take all necessary steps to convert the approved comprehensive management plan into permanent administrative rules in accordance with the Oklahoma Administrative Procedures Act (75 O.S. §§ 250-308.3).
6. Nothing in this Order shall effect or apply to law enforcement use or ownership of unmanned aircraft systems.

This Executive Order shall be forwarded to the Director of OMES and the Commissioner, who shall cause the provisions of this Order to be implemented. Copies of this Executive Order shall be supplied to each Cabinet Secretary.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 16th day of April, 2019.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

J. KEVIN STITT

ATTEST:

Michael Rogers,
Secretary of State

Okla. Admin. Code 710:65-13-30.1 Unmanned Aerial Vehicles

Unmanned aerial vehicles including drones meeting the definition of aircraft pursuant to Section 6001 of Title 68 which are required to be registered with the Federal Aviation Administration (FAA) are subject to aircraft excise tax upon the transfer of legal ownership of any such aircraft or the use of any



such aircraft within this state. If not subject to FAA registration requirements, the sale of the referenced items are subject to sales tax. In the case of a purchaser claiming exemption from sales tax because of a requirement that aircraft excise tax is due on the transaction, the vendor should obtain a statement, signed by the purchaser, or by a person who may legally bind the purchaser, that Oklahoma Aircraft Excise Tax will be paid on the purchase of the item in accordance with the provisions of 68 O.S. § 6003, and that if the excise tax is not so paid, the purchaser will be responsible for the sales tax due.

