

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2266

By: Miller

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6 AS INTRODUCED

7 An Act relating to aerospace; amending 3 O.S. 2021,
8 Section 101, which relates to definitions; defining
9 terms; amending 3 O.S. 2021, Section 102.1, as
10 amended by Section 12, Chapter 126, O.S.L. 2023 (3
11 O.S. Supp. 2024, Section 102.1), which relates to
12 permits for erection, alteration or modification of
13 certain structures; modifying list requiring certain
14 permit; detailing federal obstruction standards;
15 requiring certain airports be included in statewide
16 airport system plan; modifying certain list of
17 considerations; amending 3 O.S. 2021, Section 421, as
18 last amended by Section 15, Chapter 135, O.S.L. 2024
19 (3 O.S. Supp. 2024, Section 421), which relates to
20 Department of Aerospace and Aeronautics established
21 as clearinghouse for unmanned aircraft systems;
22 requiring implementation of certain strategy;
23 authorizing certain actions; authorizing certain
24 partnerships; and providing an effective date.

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

SECTION 1. AMENDATORY 3 O.S. 2021, Section 101, is

amended to read as follows:

Section 101. As used in this act, unless the context otherwise
requires:

1 (1) 1. "Airport" means an area of land or water that is used or
2 intended to be used for the landing and taking off of aircraft
3 including its buildings and facilities, if any.

4 (2) 2. "Airport hazard" means any structure, object of natural
5 growth or use of land which obstructs the airspace required for the
6 flight of aircraft in landing or taking off at an airport or is
7 otherwise hazardous to such landing or taking off of aircraft.

8 (3) 3. "Airport hazard area" means any area of land or water
9 upon which an airport hazard might be established if not prevented
10 as provided in this act.

11 (4) 4. "Heliport" means an area of land, water or structure
12 used or intended to be used for the landing and takeoff of
13 helicopters and includes its buildings and facilities.

14 5. "Political subdivision" means any municipality, city, town,
15 village, or county.

16 (5) 6. "Person" means any individual, firm, copartnership,
17 corporation, company, association, joint stock association, or body
18 politic, and includes any trustee, receiver, assignee, or other
19 similar representative thereof.

20 (6) 7. "Structure" means any object constructed or installed by
21 man, including, but without limitation, buildings, towers,
22 smokestacks, and overhead transmission lines.

23 (7) 8. "Tree" means any object of natural growth.
24

1 9. "Vertiport" means an area of land, water, or structure used
2 or intended to be used for the landing and takeoff of VTOL aircraft.

3 10. "VTOL aircraft" means an aircraft which has vertical
4 takeoff and landing capability.

5 SECTION 2. AMENDATORY 3 O.S. 2021, Section 102.1, as
6 amended by Section 12, Chapter 126, O.S.L. 2023 (3 O.S. Supp. 2024,
7 Section 102.1), is amended to read as follows:

8 Section 102.1. A. In order to prevent the erection of
9 structures dangerous to air navigation, subject to the provisions of
10 subsections B, C and D of this section, each person shall secure
11 from the local airport zoning authority, or in the absence of a
12 local airport zoning authority, the Oklahoma Department of Aerospace
13 and Aeronautics, a permit for the erection, alteration, or
14 modification of any structure the result of which would exceed the
15 federal obstruction standards as contained in 14 CFR, Part 77.

16 Permits from the local airport zoning authority will be required
17 only within an airport hazard area where federal standards are
18 exceeded and if the proposed construction is within:

19 1. A 10-nautical mile radius of the geographical center of a
20 publicly owned or operated airport, a military airport, or an
21 airport open for public use which has a published instrument
22 approach procedure;

23 2. A 6-nautical mile radius of the geographical center of a
24 publicly owned or operated airport, a military airport, or an

1 | airport open for public use which has no published instrument
2 | approach procedure and has runways in excess of three thousand two
3 | hundred (3,200) feet in length; ~~or~~

4 | 3. A 2.5-nautical mile radius of the geographical center of a
5 | publicly owned or operated airport, a military airport, or an
6 | airport open for public use which has no published instrument
7 | approach and has runways three thousand two hundred (3,200) feet or
8 | less in length; or

9 | 4. A one-nautical mile radius of the geographic center of a
10 | publicly owned or operated heliport or vertiport. Federal
11 | obstruction standards include a primary surface which is a
12 | horizontal plane at the established heliport or vertiport elevation
13 | and that coincides in size and shape with the designated takeoff and
14 | landing area, the approach surface which begins at each end of the
15 | heliport primary surface with the same width as the primary surface,
16 | and extends outward and upward for a horizontal distance of four
17 | thousand (4,000) feet where its width is five hundred (500) feet and
18 | where the slope of the approach surface is eight (8) to one (1), and
19 | the transitional surfaces which extend outward and upward from the
20 | lateral boundaries of the primary surface and from the approach
21 | surfaces at a slope of two (2) to one (1) for a distance of two
22 | hundred fifty (250) feet measured horizontally from the centerline
23 | of the primary and approach surfaces.

1 B. Affected airports will be considered as having those
2 facilities which are programmed in the Federal Aviation
3 Administration's Regional Aviation System Plan or the Oklahoma
4 Department of Aerospace and Aeronautics' statewide airport system
5 plan and will be so protected.

6 C. Permit requirements of subsection A of this section shall
7 not apply to projects which received construction permits from the
8 Federal Communications Commission for structures exceeding federal
9 obstruction standards prior to May 20, 1975; nor shall it apply to
10 previously approved structures now existing, or any necessary
11 replacement or repairs to such existing structures, so long as the
12 height and location is unchanged.

13 D. In determining whether to issue or deny a permit, the local
14 airport zoning authority shall consider:

- 15 1. The nature of the terrain and height of existing structures;
- 16 2. Public and private interests and investments;
- 17 3. The character of flying operations and planned developments
18 of airports, vertiports, and heliports;
- 19 4. Federal airways as designated by the Federal Aviation
20 Administration that lie within the radii described in paragraphs 1
21 through 3 of subsection A of this section;
- 22 5. Whether the construction of the proposed structure would
23 cause an increase in the minimum descent altitude or the decision
24 height at the affected airport;

1 6. Technological advances;

2 7. The safety of persons on the ground and in the air; and

3 8. Land use density.

4 E. In order to promote the health, safety and welfare of the

5 public and to protect persons and property by promoting safety in

6 aeronautics, the Oklahoma Department of Aerospace and Aeronautics

7 may review any structure erected, altered, or modified since January

8 1, 1996, in which no permit was secured from the local airport

9 zoning authority because of the absence of a local airport

10 authority. The Oklahoma Department of Aerospace and Aeronautics

11 shall determine whether such structures meet the requirements set

12 forth in this section. If the structures do not meet the

13 requirements as set forth in this section, the Oklahoma Department

14 of Aerospace and Aeronautics may request the owners of such

15 structure to make any necessary modifications to protect the health,

16 safety and welfare of the public, including, but not limited to,

17 altering, marking, mapping, or identifying such structure. The

18 Oklahoma Department of Aerospace and Aeronautics may assist the

19 owner of such structure in any manner deemed feasible by the

20 Oklahoma Department of Aerospace and Aeronautics.

21 SECTION 3. AMENDATORY 3 O.S. 2021, Section 421, as last

22 amended by Section 15, Chapter 135, O.S.L. 2024 (3 O.S. Supp. 2024,

23 Section 421), is amended to read as follows:

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1 Section 421. A. The Oklahoma Department of Aerospace and
2 Aeronautics is hereby established as the clearinghouse for unmanned
3 aircraft systems (UAS) and advanced air mobility (AAM) in this state
4 and shall be designated as the agency of this state for the
5 promotion, enhancement and development of UAS and AAM as well as any
6 associated infrastructure necessary to ensure the safe integration
7 and use of this new technology within the state. The purpose of
8 this clearinghouse is to create a partnership between those entities
9 that currently operate UAS, those that desire to use this technology
10 in the future and other entities that can support the research and
11 development of UAS to ensure that this state can more effectively
12 respond to the needs of this critical sector of the aviation and
13 aerospace industry. In the operation of this clearinghouse, the
14 Department shall cooperate, assist and coordinate with the federal
15 government, agencies of this state, tribal entities, municipalities
16 and other persons in the development of unmanned aircraft systems
17 throughout the state to ensure the acceptance of this technology and
18 the successful integration of UAS into the National Airspace System.
19 Contingent upon the availability of funds, the Oklahoma Department
20 of Aerospace and Aeronautics may use established program processes
21 or may contract with other qualified entities to carry out the
22 duties and responsibilities of the Unmanned Aircraft Systems
23 Development Act of 2021.

1 B. The primary goal of the clearinghouse within the Department
2 is to establish a central point within state government to develop
3 and implement the strategy for how this state can become a leader in
4 the UAS and AAM industry. It will focus the collective resources,
5 knowledge, information and assets within state government to ensure
6 coordinated efforts amongst all parties. The clearinghouse will
7 have the authority to:

8 1. Conduct research on what other states and localities are
9 doing insofar as their UAS rules and regulations so that it can
10 provide recommendations to ensure this state is in the best position
11 within the industry;

12 2. Organize and coordinate the application for any UAS and AAM
13 test site, integration opportunity, pilot program or grant funding
14 on behalf of this state;

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

18 4. Maintain a registry of educational institutions that offer
19 training programs for users of UAS; and

20 5. Investigate the development of, and if necessary, create a
21 statewide system plan that will provide the framework for the
22 construction, development, siting, and potential partnerships
23 required for vertiports and other infrastructure needed to integrate

1 AAM and UAS into the existing air transportation system of the
2 state;

3 6. Develop a statewide network of UAS/AAM detection systems as
4 necessary to support the safe integration of these new technologies
5 into the state's existing air transportation system; and

6 7. Create statewide or regional command/control and radar
7 systems or centers to support paragraph 6 of this subsection and the
8 Department's efforts to bring UAS/AAM testing and development to the
9 state. These systems or centers can be standalone or in partnership
10 with other federal, state, local, tribal, or nonprofit entities.

11 C. The Department is authorized to enter into partnerships with
12 any city or town of this state and, any county or political
13 subdivision or district in this state, or any public trust thereof,
14 or any federal government entity for the purpose of investing in and
15 operating infrastructure and any other items necessary to safely and
16 effectively integrate AAM and UAS into the existing air
17 transportation system of this state as well as the testing and
18 development of these aeronautical technologies.

19 SECTION 4. This act shall become effective November 1, 2025.
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