



2024 South Dakota Legislature
Senate Bill 169
ENROLLED

AN ACT

ENTITLED An Act to revise provisions regarding drones.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That a NEW SECTION be added to chapter 50-15:

No person may intentionally or willfully operate a drone in a careless manner that endangers persons or property, or for voyeuristic or harassment purposes. A person who violates this section is guilty of a Class 1 misdemeanor.

Section 2. That § 50-15-6 be AMENDED:

50-15-6. No person may, except as authorized by law, land a drone on the real or personal property or the waters of a landowner who owns the real property beneath the water body, without the landowner's consent. It is an affirmative defense if the landing was a forced landing or if the landing was caused by a technical malfunction, but in either case, the operator of the drone remains liable for any damage resulting from the landing. A person who violates this section is guilty of a Class 1 misdemeanor.

Section 3. That chapter 50-15 be amended with a NEW SECTION:

A person, in compliance with federal aviation regulations, may operate a drone for recreational purposes within the state. A person or business entity, doing business lawfully within the state and in compliance with federal aviation regulations, may operate or use a drone for commercial purposes within this state. Except as otherwise specifically allowed by this title, the state, or any political subdivision thereof, may not enact or enforce an ordinance regarding:

- (1) Ownership, operation, design, manufacture, testing, maintenance, licensing, registration, certification, or equipment requirements of an uncrewed aircraft system;
- (2) Airspace, altitude, or flight path restrictions; or

- (3) Qualifications, training, or certification of a pilot, operator, or observer of a drone.

Section 4. That chapter 50-15 be amended with a NEW SECTION:

The operation of a drone, in compliance with federal aviation regulations, in the airspace over this state does not, standing alone, give rise to legal liability under the laws of this state or its political subdivisions.

Section 5. That a NEW SECTION be added to chapter 50-15:

Consistent with the provisions of this chapter, a drone may be the instrumentality by which a tort in violation of privacy rights or trespass laws may be committed under federal or state law.

Section 6. That a NEW SECTION be added to chapter 50-15:

A political subdivision may enact or enforce ordinances that relate to the operation of a drone within the political subdivision's jurisdiction that are consistent with federal and state law. This section does not limit the authority of a political subdivision to adopt an ordinance that enforces federal restrictions or to adopt or enforce an ordinance that relates to the operation of a drone by or on behalf of the political subdivision or that is owned by the political subdivision. Any ordinance that violates this section, whether enacted or adopted by a political subdivision before or after the date of enactment of this statute, is null.

Section 7. That a NEW SECTION be added to chapter 50-15:

Takeoff or landing of a drone within a controlled access facility, as defined in § 31-8-1, is prohibited, except by a state agency or state agent.

Takeoff or landing within any other public highway right-of-way is prohibited if the takeoff or landing is performed carelessly or in a manner causing endangerment to any person or property.

A person who violates this section is guilty of a Class 1 misdemeanor.

Section 8. That chapter 50-15 be amended with a NEW SECTION:

Nothing in this chapter may be construed to prohibit the:

- (1) Take-off or landing of a drone as deemed reasonable or necessary by private or public entities for emergency or maintenance support functions or services, including the protection and maintenance of public or private critical infrastructure;
- (2) Landing of a drone by an operator in compliance with Federal Aviation Administration regulations as deemed reasonable or necessary by the operator in the event of a forced landing or technical malfunction of a drone system;
- (3) Take-off or landing of a drone being operated by a sworn public safety officer or other emergency personnel in the performance of the officer or personnel's duties;
or
- (4) Take-off or landing of a drone owned or operated by the United States government, or any operator under contract with any agency of the United States government, in the performance of the operator's assigned duties.

Section 9. That a NEW SECTION be added to chapter 50-15:

Nothing in this title shall preempt or intrude upon the exclusive sovereignty of airspace of the United States as set forth in 49 U.S.C. § 40103. Any interpretation or application of any provision of this title that contradicts the exclusive authority of the United States government to regulate the operation of a drone in the airspace of the United States, is null.

An Act to revise provisions regarding drones.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 169

2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 169
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State