



2025 South Dakota Legislature

Senate Bill 215

SENATE JUDICIARY ENGROSSED

Introduced by: **Senator Deibert**

1 **An Act to remove the prohibition against a landowner having an easement on the**
 2 **landowner's property.**

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

4 **Section 1. That § 43-13-6 be AMENDED:**

5 **43-13-6.** ~~Except as provided in section 2 of this Act, a servitude thereon cannot~~
 6 on a servient tenement may not be held by the owner of the servient tenement. A
 7 servitude is extinguished by the vesting of the right to servitude and the right to the
 8 servient tenement in the same person.

9 **Section 2. That a NEW SECTION be added to chapter 43-13:**

10 An easement or servitude created by an owner is valid and effective,
 11 notwithstanding the common ownership of the benefited and burdened property, at the
 12 time of creation or after reacquisition of the property by the creator of the easement or
 13 servitude.