



2025 South Dakota Legislature  
**Senate Bill 215**  
**ENROLLED**

AN ACT

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

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

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

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 215

2025 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., 2025

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2025  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 215  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State