



2026 South Dakota Legislature

Senate Bill 16

Introduced by: **Senator Voight**

1 **An Act to provide for the licensure of fishing and hunting guides, and to provide a**
 2 **penalty therefor.**

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

4 **Section 1. That § 41-6-10 be AMENDED:**

5 **41-6-10.** Licenses, and permits, ~~and stamps~~ issued under this title are classified
 6 as follows:

- 7 (1) Breeding and raising birds license;
- 8 (2) Disabled hunter permit;
- 9 (3) Export bait dealer license;
- 10 (4) Fishing guide license;
- 11 (5) Fur dealer's license;
- 12 ~~(5)(6)~~ Hoop net, trap, or setline license;
- 13 ~~(6)(7)~~ Hunting guide license;
- 14 (8) Mentored youth hunting license;
- 15 ~~(7)(9)~~ Nonresident big game license;
- 16 ~~(8)(10)~~ Nonresident fishing license;
- 17 ~~(9)(11)~~ Nonresident and resident migratory bird certification permit;
- 18 ~~(10)(12)~~ Nonresident predator/varmint license;
- 19 ~~(11)(13)~~ Nonresident retail bait dealer license;
- 20 ~~(12)(14)~~ Nonresident shooting preserve license;
- 21 ~~(13)(15)~~ Nonresident small game license;
- 22 ~~(14)(16)~~ Nonresident wholesale bait dealer license;
- 23 ~~(15)(17)~~ Nonresident wild turkey license;
- 24 ~~(16)(18)~~ Nursing facility group fishing license;
- 25 ~~(17)(19)~~ Park user's license;
- 26 ~~(18)(20)~~ Permit for transportation of big game animal;

- 1 ~~(19)~~(21) Private fish hatchery license;
- 2 ~~(20)~~(22) Reciprocal nonresident license to take fur-bearing animals;
- 3 ~~(21)~~(23) Resident license to take fur-bearing animals;
- 4 ~~(22)~~(24) Resident big game license;
- 5 ~~(23)~~(25) Resident elk license;
- 6 ~~(24)~~(26) Resident fishing license and resident senior fishing license;
- 7 ~~(25)~~(27) Resident retail bait dealer license;
- 8 ~~(26)~~(28) Resident small game license and resident youth small game license;
- 9 ~~(27)~~(29) Resident predator/varmint license;
- 10 ~~(28)~~(30) Resident wholesale bait dealer license;
- 11 ~~(29)~~(31) Resident wild turkey license;
- 12 ~~(30)~~(32) Scientific collector's license;
- 13 ~~(31)~~(33) Special nonresident waterfowl license;
- 14 ~~(32)~~(34) Taxidermist's license;
- 15 ~~(33)~~(35) Temporary fishing and hunting licenses;
- 16 ~~(34)~~(36) Temporary nonresident early fall Canada goose license;
- 17 ~~(35)~~(37) Temporary nonresident fall three-day waterfowl license; and
- 18 ~~(36)~~(38) Temporary nonresident spring snow goose license.

19 The rights and privileges of ~~such~~ the licensees are set forth in §§ 41-6-12 to 41-6-
 20 45.1, inclusive, and in § 41-17-13.

21 The Game, Fish and Parks Commission shall promulgate rules pursuant to chapter
 22 1-26 to set the fees, eligibility, and duration for ~~such~~ the licenses.

23 **Section 2. That a NEW SECTION be added to chapter 41-6:**

24 Beginning July 1, 2027, an individual may not, for consideration, act as a fishing
 25 guide or a hunting guide or represent to the public that the individual is a fishing guide or
 26 a hunting guide, without first obtaining an annual guide license from the Department of
 27 Game, Fish and Parks.

28 Any individual who provides fishing or hunting guide services without a license, or
 29 while under a suspended license, is guilty of a Class 1 misdemeanor. Each client who
 30 receives service under these conditions constitutes a distinct and separate offense.

31 **Section 3. That a NEW SECTION be added to chapter 41-6:**

1 An individual seeking licensure as a fishing or hunting guide must submit an
2 application to the Department of Game, Fish and Parks. The department shall make the
3 application available on its website and in printed form upon request.

4 To be eligible for licensure as a fishing guide or a hunting guide, an individual must:

5 (1) Be at least twenty-one years of age;

6 (2) Maintain, in an amount of one million dollars per occurrence, general liability
7 insurance against claims of damage or injury resulting from the guiding activity;

8 (3) Be certified in first aid and cardiopulmonary resuscitation, through a nationally
9 recognized program approved by the department; and

10 (4) Pay the licensure fee established under section 5 of this Act.

11 **Section 4. That a NEW SECTION be added to chapter 41-6:**

12 The Department of Game, Fish and Parks may, in accordance with chapter 1-26,
13 deny an application for licensure as a fishing guide or a hunting guide, or suspend or
14 revoke a guide license, upon a determination that:

15 (1) The applicant or licensee materially misrepresented any information required on
16 the application for a license;

17 (2) During the five-year period preceding the date of the application, the applicant or
18 licensee willfully and substantially misrepresented:

19 (a) The price of guide services;

20 (b) The nature and type of guide services provided to clients;

21 (c) The nature and type of equipment used in providing guide services to
22 clients; or

23 (d) The nature, type, or location of fishing or hunting opportunities provided to
24 clients;

25 (3) During the five-year period preceding the date of the application, the applicant or
26 licensee knowingly provided guide services to an individual who was not
27 appropriately licensed to engage in the activity, as required in chapter 41-6;

28 (4) During the five-year period preceding the date of the application, the applicant or
29 licensee, while acting as a guide, engaged in conduct detrimental to the image and
30 integrity of the guide industry;

31 (5) During the five-year period preceding the date of the application, the applicant or
32 licensee was convicted of an offense that has a direct bearing on the ability to serve
33 clients as a guide;

1 (6) During the five-year period preceding the date of the application, the applicant or
2 licensee violated any statute or rule related to fishing, hunting, or guiding, in any
3 jurisdiction;

4 (7) During the five-year period preceding the date of the application, the applicant or
5 licensee had a guide license denied, suspended, or revoked in any jurisdiction; or

6 (8) The applicant or licensee pled guilty to, nolo contendere to, or was convicted of, a
7 felony.

8 **Section 5. That a NEW SECTION be added to chapter 41-6:**

9 The Department of Game, Fish and Parks shall charge a fee of:

10 (1) Five hundred dollars for a resident fishing or hunting guide license; and

11 (2) One thousand dollars for a nonresident fishing or hunting guide license.

12 Each fishing or hunting guide license issued by the department expires on March
13 thirty-first.

14 Any fee submitted for licensure as a fishing guide or a hunting guide, in accordance
15 with this section, is nonrefundable.

16 The department shall forward any fee collected for licensure as a fishing guide to
17 the state treasurer for deposit into the game, fish and parks fund, and shall use the
18 amount to enhance aquatic habitat on public waters.

19 The department shall forward any fee collected for licensure as a hunting guide to
20 the state treasurer for deposit into the game, fish and parks fund, and shall use the
21 amount to enhance terrestrial habitat and support public access programs.

22 **Section 6. That a NEW SECTION be added to chapter 41-6:**

23 The Game, Fish and Parks Commission shall promulgate rules, in accordance with
24 chapter 1-26 to:

25 (1) Establish the application process for licensure as a fishing guide or hunting guide,
26 including:

27 (a) The development and availability of the application; and

28 (b) The verification of information contained in the application; and

29 (2) Establish a code of conduct pertaining to interactions between the licensed guide
30 and a client or a prospective client.