



## 2026 South Dakota Legislature

# House Bill 1122

Introduced by: **Representative** DeGroot

1 **An Act to provide for the licensure of certain fishing guides, and to provide a penalty**  
 2 **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)~~ Mentored youth hunting license;
- 14 ~~(7)(8)~~ Nonresident big game license;
- 15 ~~(8)(9)~~ Nonresident fishing license;
- 16 ~~(9)(10)~~ Nonresident and resident migratory bird certification permit;
- 17 ~~(10)(11)~~ Nonresident predator/varmint license;
- 18 ~~(11)(12)~~ Nonresident retail bait dealer license;
- 19 ~~(12)(13)~~ Nonresident shooting preserve license;
- 20 ~~(13)(14)~~ Nonresident small game license;
- 21 ~~(14)(15)~~ Nonresident wholesale bait dealer license;
- 22 ~~(15)(16)~~ Nonresident wild turkey license;
- 23 ~~(16)(17)~~ Nursing facility group fishing license;
- 24 ~~(17)(18)~~ Park user's license;
- 25 ~~(18)(19)~~ Permit for transportation of big game animal;
- 26 ~~(19)(20)~~ Private fish hatchery license;

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

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

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

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

23               Except as otherwise provided in this section, beginning July 1, 2027, an individual  
 24      may not, for consideration, act as a fishing guide or represent to the public that the  
 25      individual is a fishing guide, without first obtaining an annual guide license from the  
 26      Department of Game, Fish and Parks. The licensure requirement does not apply to an  
 27      individual providing guide services on a body of water located entirely within the  
 28      boundaries of property that the individual owns.

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

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

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

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

- 5           (1) Be at least eighteen 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           and  
9           (3) Pay the licensure fee established under section 5 of this Act.

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

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

- 14           (1) The applicant or licensee materially misrepresented any information required on  
15           the application for a license;  
16           (2) During the five-year period preceding the date of the application, the applicant or  
17           licensee knowingly provided guide services to an individual who was not  
18           appropriately licensed to engage in the activity, as required in chapter 41-6;  
19           (3) During the five-year period preceding the date of the application, the applicant or  
20           licensee, while acting as a guide, engaged in conduct detrimental to the image and  
21           integrity of the guide industry;  
22           (4) During the five-year period preceding the date of the application, the applicant or  
23           licensee was convicted of an offense that has a direct bearing on the ability to serve  
24           clients as a guide;  
25           (5) During the five-year period preceding the date of the application, the applicant or  
26           licensee violated any statute or rule related to fishing or guiding, in any jurisdiction;  
27           (6) During the five-year period preceding the date of the application, the applicant or  
28           licensee had a guide license denied, suspended, or revoked in any jurisdiction; or  
29           (7) The applicant or licensee pled guilty to, nolo contendere to, or was convicted of, a  
30           felony.

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

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

- 33           (1) One hundred fifty dollars for a resident fishing guide license; and

- 1        (2) Three hundred dollars for a nonresident fishing guide license.  
2                Each fishing guide license issued by the department expires on March thirty-first.  
3                Any fee submitted for licensure as a fishing guide, in accordance with this section,  
4        is nonrefundable.  
5                The department shall forward any fee collected for licensure as a fishing guide to  
6        the state treasurer for deposit into the department of game, fish and parks fund, and shall  
7        use the amount to support fish restocking efforts.

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

- 9                The Game, Fish and Parks Commission shall promulgate rules, in accordance with  
10        chapter 1-26 to:  
11        (1) Establish the application process for licensure as a fishing guide, including:  
12                (a) The development and availability of the application; and  
13                (b) The verification of information contained in the application; and  
14        (2) Establish a code of conduct pertaining to interactions between the licensed guide  
15        and a client or a prospective client.