



2026 South Dakota Legislature

House Bill 1229

Introduced by: **Representative Weems**

1 **An Act to require the inclusion of certain features within a manufacturer's**
 2 **application store or on a developer's application.**

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

4 **Section 1. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

5 Terms used in this chapter mean:

6 (1) "Application," an electronic service or software that may be run or directed by a
 7 user on any general-purpose computing device;

8 (2) "Application store," a publicly available website, electronic service, or other
 9 platform that facilitates the procurement and distribution of an application;

10 (3) "Developer," any person that creates, owns, or controls an application and is
 11 responsible for the design, development, maintenance, and distribution of the
 12 application to end users; or

13 (4) "Manufacturer," any person that creates, owns, or controls an application store.

14 **Section 2. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

15 A manufacturer shall take commercially reasonable and technologically feasible
 16 steps to provide a list on an application's page within the application store, of all goods or
 17 services that are available to be purchased by a user through an application, and the cost
 18 of each good or service.

19 **Section 3. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

20 To the extent applicable and technologically feasible, a developer shall provide a
 21 readily available feature for any user of the developer's application, to review a list of all
 22 goods or services that are available to be purchased by a user through the application,
 23 and the cost of each good or service.

1 To the extent applicable and technologically feasible, a developer shall provide a
2 readily available feature for any user of the developer's application, by which the user is
3 able to cancel or otherwise modify the user's subscription to any goods or services
4 provided by the application.

5 **Section 4. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

6 If a manufacturer is not in substantial compliance with the requirement of section
7 2 of this Act, the attorney general must provide written notice to the manufacturer before
8 initiating an action pursuant to section 5 of this Act.

9 If a developer is not in substantial compliance with the requirement of section 3 of
10 this Act, the attorney general must provide written notice to the developer before initiating
11 an action pursuant to section 6 of this Act.

12 If the manufacturer or developer cures any noticed violation to the satisfaction of
13 the attorney general, and provides to the attorney general a written statement under oath
14 that the alleged violation has been cured, within ninety days of the notice provided under
15 this section, the manufacturer or developer is not liable for a civil penalty for any cured
16 violation of section 2 or 3 of this Act.

17 **Section 5. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

18 Any manufacturer found in violation of section 2 of this Act, to whom notice was
19 provided pursuant to section 4 of this Act, is liable for a civil penalty in an amount not
20 exceeding one thousand dollars per incident. The civil penalty may be assessed and
21 recovered only in a civil action by the attorney general. The attorney general shall forward
22 any civil penalty collected under this section to the state treasurer for deposit in the
23 general fund.

24 Nothing in this section may be construed to serve as the basis for a new private
25 right of action for any violation of section 2 of this Act.

26 **Section 6. That a NEW SECTION be added to a NEW CHAPTER in title 37:**

27 Any developer found in violation of section 3 of this Act, to whom notice was
28 provided pursuant to section 4 of this Act, is liable for a civil penalty in an amount not
29 exceeding one thousand dollars per incident. The civil penalty may be assessed and
30 recovered only in a civil action by the attorney general. The attorney general shall forward

1 any civil penalty collected under this section to the state treasurer for deposit in the
2 general fund.

3 Nothing in this section may be construed to serve as the basis for a new private
4 right of action for any violation of section 3 of this Act.