

2026 South Dakota Legislature

House Bill 1122

AMENDMENT 1122A FOR THE INTRODUCED BILL

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~~:

- 28 (1) On a body of water located entirely within the boundaries of property that the
29 individual owns;
- 30 (2) On a body of water located entirely within the boundaries of property owned by
31 another private person, provided that the property owner has granted permission
32 for the provision of guide services;
- 33 (3) Within the scope of the individual's employment with this state or a political
34 subdivision of this state; or

1 (4) For recreational or community engagement activities conducted under the auspices
2 of this state or a political subdivision of this state.

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

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

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

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

11 (1) Be at least eighteen years of age;

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

15 (3) Pay the licensure fee established under section 5 of this Act.

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

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

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

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

25 (3) During the five-year period preceding the date of the application, the applicant or
26 licensee, while acting as a guide, engaged in conduct detrimental to the image and
27 integrity of the guide industry;

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

31 (5) During the five-year period preceding the date of the application, the applicant or
32 licensee violated any statute or rule related to fishing or guiding, in any jurisdiction;

- 1 (6) During the five-year period preceding the date of the application, the applicant or
- 2 licensee had a guide license denied, suspended, or revoked in any jurisdiction; or
- 3 (7) The applicant or licensee pled guilty to, nolo contendere to, or was convicted of, a
- 4 felony.

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

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

- 7 (1) One hundred fifty dollars for a resident fishing guide license; and
- 8 (2) Three hundred dollars for a nonresident fishing guide license.

9 Each fishing guide license issued by the department expires on March thirty-first.

10 Any fee submitted for licensure as a fishing guide, in accordance with this section,

11 is nonrefundable.

12 The department shall forward any fee collected for licensure as a fishing guide to

13 the state treasurer for deposit into the department of game, fish and parks fund, and shall

14 use the amount to support fish restocking efforts.

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

16 The Game, Fish and Parks Commission shall promulgate rules, in accordance with

17 chapter 1-26 to:

- 18 (1) Establish the application process for licensure as a fishing guide, including:
 - 19 (a) The development and availability of the application; and
 - 20 (b) The verification of information contained in the application; and
- 21 (2) Establish a code of conduct pertaining to interactions between the licensed guide
- 22 and a client or a prospective client.