

# 2026 South Dakota Legislature

## House Bill 1229

### AMENDMENT 1229B FOR THE INTRODUCED BILL

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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," a software program, other than a program required for the operation,  
7 administration, or programming of a general-purpose computing device, which is  
8 designed by the developer to perform specific tasks for an end user; and  
9 (2) "Developer," any person that creates, owns, or controls an application and is  
10 responsible for the design, development, maintenance, and distribution of the  
11 application to end users.

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

13 A developer shall provide a readily available feature for any user of the developer's  
14 application, to review a list of the cost of subscribing to a product or service provided by  
15 the application.

16 To the extent applicable and technologically feasible, a developer shall provide a  
17 readily available feature for any user of the developer's application, by which the user is  
18 able to cancel or otherwise modify the user's subscription to any product or service  
19 provided by the application.

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

1           If a developer is not in substantial compliance with the requirements of section 2  
2           of this Act, the attorney general must provide written notice to the developer before  
3           initiating an action pursuant to section 4 of this Act.

4           If the developer cures any notice violation to the satisfaction of the attorney  
5           general and provides the attorney general with a written statement under oath that the  
6           alleged violation has been cured, within ninety days of the notice provided under this  
7           section, the developer is not liable for a civil penalty for any cured violation of section 2  
8           of this Act.

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

10           Any developer found in violation of section 2 of this Act, to whom notice was  
11           provided pursuant to section 3 of this Act, is liable for a civil penalty in an amount not  
12           exceeding one thousand dollars per incident. The civil penalty may be assessed and  
13           recovered only in a civil action by the attorney general. The attorney general shall forward  
14           any civil penalty collected under this section to the state treasurer for deposit in the  
15           general fund.

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