

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.