



2020 South Dakota Legislature

House Bill 1059

Introduced by: **Representative** David Johnson

1 **An Act to revise certain provisions regarding hunting with drones.**

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

3 **Section 1.** That § 41-8-39 be AMENDED:

4 **41-8-39. Use of aircraft in hunting prohibited--Exception--Violation as**
5 **misdemeanor.**

6 It is a Class 1 misdemeanor for any person to:

- 7 (1) Kill or attempt to kill any wild bird or animal from an aircraft, except as otherwise
8 provided for in § 41-8-39.1; or
- 9 (2) Use an aircraft for the purpose of hunting, taking, concentrating, driving, rallying,
10 stirring up, locating, or spotting any wild bird or animal, except that the prohibition
11 in this subdivision does not apply to a person who uses a drone for the purpose of
12 locating or spotting a predator or varmint, ~~provided if:~~
- 13 (a) The activity occurs only on or over land that is privately owned;
- 14 (b) The person operating the drone is the landowner or has permission from the
15 landowner or a lessee; ~~and~~
- 16 (c) The activity does not occur during the months of September, October, or
17 November; and
- 18 (d) The operation of the drone is in full compliance with all applicable Federal
19 Aviation Administration regulations.

20 **Section 2.** That § 50-15-2 be AMENDED:

21 **50-15-2. Operation of drone--Compliance with federal law--Exemption.**

22 Any operation of a drone in the state shall comply with all applicable ~~federal~~
23 ~~aviation administration requirements~~ Federal Aviation Administration regulations. Any
24 drone operating under the authority of the Armed Forces of the United States, including
25 the National Guard, is exempt from this chapter.