



2025 South Dakota Legislature

House Bill 1217

Introduced by: **Representative Aylward**

1 **An Act to require customer consent for installation of a smart meter for a utility**
 2 **service.**

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

4 **Section 1. That § 49-34-18 be AMENDED:**

5 **49-34-18.** Terms as used in this section ~~and~~ §§ 49-34-19 to 49-34-21, inclusive,
 6 and sections 2 and 3 of this Act mean:

- 7 (1) "Bypassing," the act of attaching, connecting, or in any manner affixing any wire,
 8 cord, socket, motor or other instrument, device, or contrivance to the utility supply
 9 system or any part thereof in a manner as to transmit, supply, or use any utility
 10 service without passing through an authorized meter for measuring or registering
 11 the amount of utility service;
- 12 (2) "Customer," the person responsible for payment for utility services for the
 13 premises. The term includes employees and agents of the customer;
- 14 (3) "Smart meter," an electronic or digital device that records usage data of the utility
 15 service and communicates the data to a utility;
- 16 (4) "Tampering," damaging, altering, adjusting, or in any manner interfering with or
 17 obstructing the action or operation of any meter provided for measuring or
 18 registering the amount of utility service passing through the meter, or any valve
 19 provided by the utility for preventing back flow of water into the supply lines, or
 20 any other devices owned and maintained by the utility;
- 21 ~~(4)(5)~~ "Unauthorized metering," removing, moving, installing, connecting, reconnecting,
 22 or disconnecting any meter or metering device for utility service by a person other
 23 than an authorized employee or agent of a utility;
- 24 ~~(5)(6)~~ "Utility," any public utility, municipally owned utility, rural water system, or
 25 cooperative utility, which provides electricity, gas, or water for sale to consumers;

1 ~~(6)~~(7) "Utility service," the provision of electricity, gas, water, or any other service or
2 commodity customarily furnished by the utility for compensation; and

3 ~~(7)~~(8) "Utility supply system," ~~includes~~ all wire, conduits, pipes, cords, sockets, motors,
4 meters, instruments, and all other devices used by the utility for the purpose of
5 providing a utility service.

6 **Section 2. That a NEW SECTION be added to chapter 49-34:**

7 The utility may not install a smart meter without first obtaining the customer's
8 written consent.

9 The utility shall provide information to the customer regarding:

10 (1) Use of the smart meter in the collection, management, and storage of data;

11 (2) The type of data to be collected by the smart meter; and

12 (3) Whether the data is to be sold to a third party.

13 **Section 3. That a NEW SECTION be added to chapter 49-34:**

14 A customer may request, in writing, that a utility remove a smart meter. Upon
15 receiving the request, the utility shall notify the customer of the date the smart meter is
16 to be removed. The utility must remove the smart meter within thirty days of receiving
17 the request.

18 **Section 4. That a NEW SECTION be added to chapter 49-34:**

19 A utility may charge the customer a fee, not to exceed eighty dollars, for the
20 removal of a smart meter. The utility may charge the customer a monthly fee, not to
21 exceed ten dollars, for electing not to use a smart meter.