



## 2025 South Dakota Legislature

# Senate Bill 215

Introduced by: **Senator Deibert**

1 **An Act to remove the prohibition against a landowner having an easement on the**  
2 **landowner's property.**

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

4 **Section 1. That a NEW SECTION be added to chapter 43-13:**

5 The common law doctrine of merger does not apply to a servitude held by the  
6 owner of the servient tenement.

7 **Section 2. That § 43-13-6 be REPEALED.**

8 ~~A servitude thereon cannot be held by the owner of the servient tenement. A~~  
9 ~~servitude is extinguished by the vesting of the right to servitude and the right to the~~  
10 ~~servient tenement in the same person.~~