



2020 South Dakota Legislature
House Bill 1059
ENROLLED

AN ACT

ENTITLED An Act to revise certain provisions regarding hunting with drones.

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

Section 1. That § 41-8-39 be AMENDED:

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

It is a Class 1 misdemeanor for any person to:

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

Section 2. That § 50-15-2 be AMENDED:

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

Any operation of a drone in the state shall comply with all applicable Federal Aviation Administration regulations. Any drone operating under the authority of the Armed Forces of the United States, including the National Guard, is exempt from this chapter.

An Act to revise certain provisions regarding hunting with drones.

I certify that the attached Act originated in
the:

House as Bill No. 1059

Received at this Executive Office
this ____ day of _____,
2020 at _____ M.

_____ Chief Clerk

By _____
for the Governor

_____ Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2020

Attest:

_____ Chief Clerk

_____ Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

_____ President of the Senate

Attest:

Filed _____, 2020
at _____ o'clock __ M.

_____ Secretary of the Senate

_____ Secretary of State

House Bill No. 1059
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State