

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

817Y0334

CONFERENCE COMMITTEE ENGROSSED NO. **SB 80** - 3/9/2017

Introduced by: Senators Rusch, Bolin, Greenfield (Brock), Haverly, Heinert, Kennedy, Maher, Nesiba, Novstrup, Otten (Ernie), Soholt, Solano, White, Wiik, and Youngberg and Representatives Tieszen, Bartling, Haggar, Hawley, Johns, Lesmeister, Lust, McCleerey, Rasmussen, Ring, Willadsen, and Zikmund

1 FOR AN ACT ENTITLED, An Act to regulate the use of drones under certain conditions and
2 to provide a penalty therefor.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 For purposes of this Act, the term, drone, means a powered, aerial vehicle that does not carry
6 a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or
7 be piloted remotely. The vehicle may be expendable or recoverable.

8 Section 2. That the code be amended by adding a NEW SECTION to read:

9 Any operation of a drone in the state shall comply with all applicable federal aviation
10 administration requirements. Any drone operating under the authority of the Armed Forces of
11 the United States, including the National Guard, is exempt from this Act.

12 Section 3. That the code be amended by adding a NEW SECTION to read:

13 No person may operate a drone over the grounds of a prison, correctional facility, jail,



1 juvenile detention facility, or any military facility unless expressly authorized by the
2 administrator thereof. A violation of this section is a Class 1 misdemeanor.

3 Section 4. That the code be amended by adding a NEW SECTION to read:

4 Any person who uses a drone to deliver contraband or controlled substances to a state prison
5 or other correctional facility is guilty of a Class 6 felony in addition to the penalty for the
6 principal offense.

7 Section 5. That § 22-21-1 be amended to read:

8 22-21-1. Any person who, except as authorized by law:

9 (1) Trespasses on property with intent to subject anyone to eavesdropping or other
10 surveillance in a private place; or

11 (2) Installs in any private place, without the consent of the person or persons entitled to
12 privacy there, any device for observing, photographing, recording, amplifying, or
13 broadcasting sounds or events in such place, or uses any such unauthorized
14 installation;

15 (3) Intentionally uses a drone to photograph, record, or otherwise observe another person
16 in a private place where the person has a reasonable expectation of privacy; or

17 (4) Lands a drone on the lands or waters of another resident provided the resident owns
18 the land beneath the water body in its entirety without the owner's consent, except in
19 the case of forced landing and the owner or lessee of the drone will be liable for any
20 damage resulting from a forced landing;

21 is guilty of a Class 1 misdemeanor. ~~Subdivision~~ Subdivisions (2) shall and (3) do not apply to
22 law enforcement officers, or to those acting under their the direction of a law enforcement
23 officer, while engaged in the performance of their the officer's lawful duties. These restrictions
24 do not apply to a drone operator operating a drone for commercial or agricultural purposes

1 pursuant to or in compliance with federal aviation administration regulations, authorizations,
2 and exemptions nor do they apply to an emergency management worker operating a drone
3 within the scope of the worker's duties.