

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

772B0076

## HOUSE BILL NO. 1011

Introduced by: Representatives Koskan, Duenwald, Hagen, Lee, Moore, Schrempp, Smidt, Sperry, Wetz, and Windhorst and Senators Rounds and Dennert at the request of the Interim Hunting Issues Committee

1 FOR AN ACT ENTITLED, An Act to revise certain statutes concerning landowner liability for  
2 certain outdoor recreational purposes.

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

4 Section 1. That § 20-9-12 be amended to read as follows:

5 20-9-12. Terms used in §§ 20-9-12 to 20-9-18, inclusive, mean:

- 6 (1) "Charge," the admission price or fee asked in return for invitation or permission to  
7 enter or go upon the land. Any ~~nonmonetary~~ gift to an owner that is ~~less than one~~  
8 does not exceed two hundred fifty dollars in value may not be construed to be a  
9 charge;
- 10 (2) "Land," land, trails, water, watercourses, private ways and agricultural structures, and  
11 machinery or equipment if attached to the realty;
- 12 (3) "Outdoor recreational purpose," includes, ~~but is not limited to,~~ any of the following  
13 activities, ~~or any combination thereof:~~ hunting, fishing, swimming other than in a  
14 swimming pool, boating, canoeing, camping, picnicking, hiking, biking, off road  
15 driving, nature study, water skiing, winter sports, snowmobiling, viewing or enjoying

1 historical, archaeological, scenic or scientific sites;

2 (4) "Owner," the possessor of a fee interest, a tenant, lessee, occupant or person in

3 control of the premises.