

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0275

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1020** -

01/21/2003

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish and Parks

1 FOR AN ACT ENTITLED, An Act to authorize the Game, Fish and Parks Commission to
2 promulgate rules to permit certain mobility-impaired hunters and disabled hunters to hunt
3 from a stationary motor vehicle and to permit certain persons to operate and ride on an off-
4 road vehicle while in possession of a loaded and uncased firearm.

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

6 Section 1. That § 41-8-37 be amended to read as follows:

7 41-8-37. No person, who is in or on a motor vehicle, may discharge a firearm or bow and
8 arrow at any wild animals except coyotes, jackrabbits, rodents, skunks, badgers, raccoons, and
9 foxes.

10 Licensed hunters ~~who~~:

11 (1) Who are mobility-impaired; or

12 (2) Who are paraplegics or otherwise physically unable to walk with or without crutches,
13 braces, or other mechanical support;

14 and who have been issued a mobility-impaired permit or disabled hunter permit by the



1 department, may shoot in fields, woods, or from public roads from a stationary motor vehicle
2 while hunting game animals or game birds in accordance with the conditions of the permit and
3 rules promulgated by the Game, Fish and Parks Commission ~~pursuant to chapter 1-26~~. The
4 commission shall promulgate rules pursuant to chapter 1-26 to establish the definition of
5 mobility-impaired; the eligibility criteria, application, and approval procedures for issuance of a
6 mobility-impaired permit or disabled hunter permit; the duration of a permit; and the extent of
7 the permitted shooting activities.

8 A violation of this section is a Class 2 misdemeanor.

9 Section 2. That § 32-20-6.6 be amended to read as follows:

10 32-20-6.6. No person, other than a law enforcement officer or conservation officer, or any
11 person on the person's own land or land leased by the person, may operate or ride on any
12 motorcycle or off-road vehicle with any firearm in the person's possession unless the firearm is
13 completely unloaded and within a carrying case which encloses the entire firearm. However, this
14 section does not apply to any person who is carrying a pistol and possesses a permit to carry a
15 concealed pistol issued pursuant to chapter 23-7. This section does not apply to any person who
16 holds a permit issued pursuant to § 41-8-37 while engaged in hunting from an off-road vehicle
17 in accordance with the provisions of the permit. This section shall be enforced by all law
18 enforcement officers including conservation officers, notwithstanding the provisions of
19 § 41-15-10.1. A violation of this section is a Class 2 misdemeanor.