



2024 South Dakota Legislature  
**Senate Bill 169**  
**ENROLLED**

AN ACT

**ENTITLED An Act to revise provisions regarding drones.**

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

**Section 1. That a NEW SECTION be added to chapter 50-15:**

No person may intentionally or willfully operate a drone in a careless manner that endangers persons or property, or for voyeuristic or harassment purposes. A person who violates this section is guilty of a Class 1 misdemeanor.

**Section 2. That § 50-15-6 be AMENDED:**

**50-15-6.** No person may, except as authorized by law, land a drone on the real or personal property or the waters of a landowner who owns the real property beneath the water body, without the landowner's consent. It is an affirmative defense if the landing was a forced landing or if the landing was caused by a technical malfunction, but in either case, the operator of the drone remains liable for any damage resulting from the landing. A person who violates this section is guilty of a Class 1 misdemeanor.

**Section 3. That chapter 50-15 be amended with a NEW SECTION:**

A person, in compliance with federal aviation regulations may operate a drone for recreational purposes within the state. A person or business entity, doing business lawfully within the state and in compliance with federal aviation regulations, may operate or use a drone for commercial purposes within this state. Except as otherwise specifically allowed by this title, the state, or any political subdivision thereof, may not enact or enforce an ordinance regarding:

- (1) Ownership, operation, design, manufacture, testing, maintenance, licensing, registration, certification, or equipment requirements of an uncrewed aircraft system;
- (2) Airspace, altitude, or flight path restrictions; or

- (3) Qualifications, training, or certification of a pilot, operator, or observer of a drone.

**Section 4. That chapter 50-15 be amended with a NEW SECTION:**

The operation of a drone, in compliance with federal aviation regulations, in the airspace over this state does not, standing alone, give rise to legal liability under the laws of this state or its political subdivisions.

**Section 5. That a NEW SECTION be added to chapter 50-15:**

Consistent with the provisions of this chapter, a drone may be the instrumentality by which a tort in violation of privacy rights or trespass laws may be committed under federal or state law.

**Section 6. That a NEW SECTION be added to chapter 50-15:**

A political subdivision may enact or enforce ordinances that relate to the operation of a drone within the political subdivision's jurisdiction that are consistent with federal and state law. This section does not limit the authority of a political subdivision to adopt an ordinance that enforces federal restrictions or to adopt or enforce an ordinance that relates to the operation of a drone by or on behalf of the political subdivision or that is owned by the political subdivision. Any ordinance that violates this section, whether enacted or adopted by a political subdivision before or after the date of enactment of this statute, is null.

**Section 7. That a NEW SECTION be added to chapter 50-15:**

Takeoff or landing of a drone within a controlled access facility, as defined in § 31-8-1, is prohibited, except by a state agency or state agent.

Takeoff or landing within any other public highway right-of-way is prohibited if the takeoff or landing is performed carelessly or in a manner causing endangerment to any person or property.

A person who violates this section is guilty of a Class 1 misdemeanor.

**Section 8. That chapter 50-15 be amended with a NEW SECTION:**

Nothing in this chapter may be construed to prohibit the:

- (1) Take-off or landing of a drone as deemed reasonable or necessary by private or public entities for emergency or maintenance support functions or services, including the protection and maintenance of public or private critical infrastructure;
- (2) Landing of a drone by an operator in compliance with Federal Aviation Administration regulations as deemed reasonable or necessary by the operator in the event of a forced landing or technical malfunction of a drone system;
- (3) Take-off or landing of a drone being operated by a sworn public safety officer or other emergency personnel in the performance of the officer or personnel's duties;  
or
- (4) Take-off or landing of a drone owned or operated by the United States government, or any operator under contract with any agency of the United States government, in the performance of the operator's assigned duties.

**Section 9. That a NEW SECTION be added to chapter 50-15:**

Nothing in this title shall preempt or intrude upon the exclusive sovereignty of airspace of the United States as set forth in 49 U.S.C. § 40103. Any interpretation or application of any provision of this title that contradicts the exclusive authority of the United States government to regulate the operation of a drone in the airspace of the United States, is null.

An Act to revise provisions regarding drones.

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I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 169

2024 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2024

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2024  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 169  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State