An Agricultural Law Research Project

States’ Unmanned Aerial Vehicle Laws

Hunting, Fishing, and Wildlife

South Dakota

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CURRENT THROUGH APRIL 5, 2020

SD ST § 41-8-39 Use of Aircraft in Hunting Prohibited – Exception – 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, provided:
   (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; and
   (c) The activity does not occur during the months of September, October, or November.