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States' Unmanned Aerial Vehicle Laws: *South Dakota*



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SD ST § 41-8-39

Current through November 20, 2022

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, if:
 - (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;
 - (c) The activity does not occur during the months of September, October, or November; and
 - (d) The operation of the drone is in full compliance with all applicable Federal Aviation Administration regulations.

