

TITLE 50
AVIATION
(Current as of July 1, 2019)

Chapter

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CHAPTER 50-1

DEFINITIONS AND GENERAL PROVISIONS

- [50-1-1](#) Definitions.
- [50-1-2](#) Repealed.
- [50-1-3](#) Repealed.

50-1-1. Definitions. Terms as used in this title mean:

(1) ~~"Aeronautics," the science, art, and physics of flight. The term also means the method or act of construction, repair, or maintenance of airports, airport facilities, aircraft, and aviation facilities;~~

(2) "Air traffic control," a service operated by an authority under Federal Aviation Administration oversight to promote the safe, orderly, and expeditious flow of air traffic in the United States;

(3) "Aircraft," a device that is used, intended to be used, or designed for flight in the air. The term includes any airplane, balloon, ~~civil aircraft~~, drone, glider, and helicopter; ~~and public aircraft~~;

(4) "Aircraft dealer," any person, manufacturer, or distributor engaged in the business of buying, selling, exchanging, or acting as a broker for three or more aircraft in any twelve consecutive months, other than a business liquidation of used aircraft;

(5) "Airport," any area of land or water used, or intended to be used, for landing and take-off of aircraft, and any appurtenant area, structure, facility, or right of way to facilitate that use. ~~The term includes any military airport, private airport, public airport, and temporary airport;~~

(6) "Airport authority," a governmental entity any regional airport authority created under this chapter for the purpose of acquiring, establishing, contracting, maintaining, improving and operating airports and other navigation facilities;

(7) "Airport facility," any property, structure, mechanism, machinery, light, beacon, ~~marker~~, communicating system, or other instrumentality or equipment or device used as an aid to the safe taking off and landing of aircraft, or the safe and efficient operation or maintenance of an airport, ~~and which is not owned or operated by the federal government~~;

(8) "Airport hazard," any existing or potential condition that can endanger the life or property of a user of an airport, any airport facility, or any occupant of land in the vicinity of an airport, ~~and which can lead to damage to or loss of airport system equipment or property or the environment~~;

(9) ~~"Airport obstruction," any structure or obstacle, or use of land, that obstructs an aerial approach of an airport or is otherwise hazardous to the use of an airport by aircraft for landing or taking off;~~

(10) "Airport sponsor," a public agency, private owner, state entity, or other political subdivision that is associated with a public use airport facility and is a recipient of any federal airport improvement grant;

(11) "Anemometer tower," a structure, including any guy wire or accessory facility, on which an anemometer is mounted;

(12) "Aviation facility," any ~~airport~~ facility that supports aviation activities, including any airport, heliport, and navigational aid;

(13) "Balloon," an aircraft that is not engine-driven, is lighter than air, and sustains flight through the use of gas buoyancy or an airborne heater;

(14) ~~"Civil aircraft," any aircraft other than a public aircraft;~~

~~(15)~~ "Commercial purpose," an aviation activity for profit that includes flight instruction, charter, air taxi, or rental, but does not include the substitution of a commercial use stamp for regular aircraft registration for the promotion of a business or other purpose that does not involve aviation;

(16) "Commission," the South Dakota Aeronautics Commission;

(17) "Controlled airspace," any airspace of specific and defined classifications and dimensions inside of which air traffic control services are provided;

(18) "Department," the Department of Transportation;

(19) "Drone," an small unmanned aircraft system;

(20) "Heliport," an area of land, water, or a structural surface, used or intended for use as a landing and take-off area for helicopters. ~~The term includes both public and private heliports;~~

(21) "Military airport," any military air base, air station, airfield, or other area, publicly or privately owned, that is designed, set aside, and operated by the state, a political subdivision of

the state, or the United States, for civil or national defense, or for any federal program relating to flight, or for the operation of military aircraft, and used in the interest of the public for those purposes;

(22) "Navigational aid," ~~any device~~ aviation facility which is external to an aircraft specifically intended to assist a pilot in determining the aircraft's position and safe course;

~~(##) "Obstruction," any structure or obstacle, or use of land, that obstructs an aerial approach of an airport or is otherwise hazardous to the use of an airport by aircraft for landing or taking off;~~

(23) "Place of business," a permanent enclosed structure at which a permanent business of bartering, trading, or selling aircraft is carried out in good faith. The term does not include any residence, tent, stand, or any other temporary structure;

(24) "Prescribed adjusted height," a height adjusted upward seventeen feet for an interstate highway, fifteen feet for any other public road, ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, and twenty-three feet for a railroad;

(25) "Private airport," any privately-owned airport that is available for use only by the owner and the owner's invitees;

~~(26) "Project," any airport operated by an authority, including any real and personal property, structure, machinery, equipment, or appurtenance or facility that is part of the airport or used in connection with the airport either as a ground facility for the convenience of handling aviation equipment, passengers, or freight, or as part of any aviation or air safety operation;~~

~~(27) "Public aircraft," any aircraft, including military aircraft, used exclusively in the governmental service of any state or territory of the United States;~~

~~(28) "Public airport," any airport, whether publicly or privately owned, that is available to the public for aviation activity;~~

(29) "Small unmanned aircraft system" or "sUAS," any unmanned aircraft and its associated elements that is operated without the possibility of direct human intervention from within or on the aircraft, and that weighs not more than fifty-five pounds, including anything that is onboard or otherwise attached to the aircraft;

(30) "Temporary airport," any airport established and set aside for the operation of aircraft for transitory or impermanent purposes.

Source: SDC 1939, § 2.0101; SL 1947, ch 1, § 1; SL 1949, ch 2, §§ 1, 2; SL 1997, ch 16, § 3; SL 2004, ch 287, § 3; SL 2010, ch 227, § 1; SL 2014, ch 222, § 1; SL 2018, ch 269, § 1; SL 2019, ch 203, § 1.

50-1-2. Repealed by SL 1983, ch 15, § 177.

50-1-3. Repealed by SL 1996, ch 278, § 6.

CHAPTER 50-2

AERONAUTICS COMMISSION

[50-2-1](#) Appointment of members--Compensation--Qualifications--Terms.

[50-2-1.1](#) Commission within department--Advice regarding state owned aircraft.

[50-2-2](#) Repealed.
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[50-2-12](#) Approval of expenditures and disbursements.
[50-2-13](#) Rules to be consistent with federal law.
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[50-2-15](#) Operation of aircraft for other state departments--Reimbursement.
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[50-2-20](#), 50-2-21. Repealed.
[50-2-22](#) to 50-2-31. Repealed.

50-2-1. Appointment of members--Compensation--Qualifications--Terms. The commission consists of seven persons appointed by the Governor who shall receive the per diem set by § 4-7-10.4 for the time actually spent in the performance of their official duties, together with traveling expenses set by rule of the Board of Finance. At least four members of the commission shall be or have been actively engaged in and have had at least one year of practical experience in civil or military aeronautics.

The term of each member begins on October thirty-first of the calendar year in which the Governor appoints the member, unless otherwise designated by the Governor. The member's term is for three years and expires on October thirtieth in the third year of the member's appointment.

Source: SDC 1939, § 2.0105; SL 1943, ch 1, § 1; SL 1949, ch 3; SL 1983, ch 13, § 20; SL 2010, ch 227, § 2; SL 2012, ch 16, § 24; SL 2013, ch 176, § 17; SL 2019, ch 203, § 2.

50-2-2. Repealed by SL 1987, ch 356, § 1.

50-2-2.1. Repealed by SL 2019.

50-2-3. Repealed by SL 1987, ch 356, § 2.

50-2-4. Report to Governor. On or before the thirty-first day of December, in each year, the commission shall make, to the Governor, a full report of its proceedings for the year ending the thirtieth day of June preceding and may submit with the report any recommendations pertaining to the commission's affairs as seem to the commission to be desirable.

Source: SDC 1939, § 2.0107; SL 1947, ch 1, § 3; SL 1949, ch 2, § 4; SL 2010, ch 227, § 5; SL 2014, ch 222, § 4.

~~50-2-5. Duties of commission. The commission shall foster air commerce within the state. The commission shall supervise the aeronautical activities and facilities within the state, including supervision and control over all airports and aviation facilities.~~

Commented [DD1]: Combined with 50-2-12.

~~Source: SDC 1939, § 2.0108; SL 1945, ch 2; SL 1949, ch 2, § 5; SL 2010, ch 227, § 6; SL 2014, ch 222, § 5; SL 2018, ch 269, § 3.~~

50-2-6 to 50-2-11.1. Repealed by SL 1987, ch 356, §§ 3 to 9.

50-2-12. Approval of expenditures and disbursements. The commission shall approve the expenditure and disbursement of grants or funds appropriated and available for matching purposes, and for the construction, development, operation, and maintenance of airport facilities. The commission may also approve expenditures from the state aviation fund to support the advancement of aviation within the state.

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Source: SDC 1939, § 2.0108 as added by SL 1949, ch 2, § 5; SDC Supp 1960, § 2.0108 (7); SL 1987, ch 356, § 11; SL 1997, ch 16, § 5; SL 2014, ch 222, § 6; SL 2018, ch 269, § 4.

50-2-13. Rules to be consistent with federal law. The commission shall promulgate rules in accordance with chapter 1-26 that are consistent with federal law and regulations governing aeronautics.

Source: SDC 1939, § 2.0108; SL 1945, ch 2; SL 1949, ch 2, § 5; SL 1987, ch 29, § 69; SL 1987, ch 356, § 12; SL 2010, ch 227, § 7; SL 2014, ch 222, § 7; SL 2019, ch 203, § 4.

50-2-14. Repealed

50-2-15. Operation of aircraft for other state departments--Reimbursement. The commission, when its state aircraft are not being used in the conduct of the necessary activities of the department, may operate the aircraft for other departments of this state. The rate of reimbursement to the department shall be set by the Board of Finance, to fully defray the cost and expenses of rendering the service under this section.

Source: SL 1957, ch 327, § 1; SDC Supp 1960, § 2.0118; SL 2010, ch 227, § 9; SL 2014, ch 222, § 8; SL 2019, ch 203, § 5.

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50-2-16. Special aviation internal service fund. The funds received from the other departments of state government by the department shall be deposited in the state treasury in an internal service fund to be designated as the special aviation internal service fund. The department shall use the fund for the maintenance, cost of operation, repair, and other expenses in connection with the operation of its state aircraft.

Source: SL 1957, ch 1, § 1; SL 1957, ch 327, § 2; SDC Supp 1960, § 2.0119; SL 2010, ch 227, § 10.

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50-2-17. Accounting for use of funds. The department shall maintain separate accounting and limit its expenditures from the special aviation internal service fund so as to in no instance use any sum for a purpose other than that for which it has been appropriated.

Source: SL 1957, ch 1, § 2; SDC Supp 1960, § 2.0119; SL 2010, ch 227, § 11; SL 2014, ch 222, § 9.

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50-2-18. Superseded.

50-2-19. Obsolete.

50-2-20, 50-2-21. Repealed by SL 2010, ch 227, §§ 12, 13.

50-2-22 to 50-2-31. Repealed by SL 2014, ch 222, §§ 10 to 19.

CHAPTER 50-3

CIVIL AIR PATROL

- [50-3-1](#) Creation of Civil Air Patrol--Commanding officer. (Transferred)
- [50-3-2](#) Purposes of Civil Air Patrol--Cooperation with federal government. (Transferred)
- [50-3-3](#) Patrol continued within Department of the Military--Records and reports. (Transferred)

[TRANSFERRED to Title 33]

CHAPTER 50-4

PLANNING AND DEVELOPMENT OF AVIATION FACILITIES

- [50-4-1](#) Duties of department.
- [50-4-2](#) Constructing, maintaining, and operating airports--Assistance to local governments.
- [50-4-3](#) Cooperation with federal agencies.
- [50-4-4](#) Acceptance of contributions.
- [50-4-5](#) Receipt of federal moneys on behalf of local governments--Agreements between department and local governments.
- [50-4-6](#) Disposition of federal grants.
- [50-4-7](#) Airport contracts subject to public contract laws.

- [50-4-8](#) Deposit of department moneys with state treasurer--Maintenance of separate fund--Authorized methods of disbursement.
- [50-4-9](#) to 50-4-11. Repealed.
- [50-4-12](#) Reporting sale of aircraft fuel--Violation as misdemeanor.
- [50-4-13](#) Appropriation of aircraft fuel tax revenues.
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- [50-4-15](#) Funds appropriated by § 50-4-14 not a limit.
- [50-4-16](#) Portion of tax revenues to go to eligible airports--Allocation of revenues from sales to regular airlines.
- [50-4-17](#) Expenditure of funds.
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~~50-4-1. Duties of department. The department shall assist in the development of aviation and aviation facilities within this state.~~

~~Source: SDC 1939, § 2.0106; SL 1949, ch 2, § 4; SL 2010, ch 227, § 24; SL 2014, ch 222, § 20; SL 2019, ch 203, § 6.~~

50-4-2. Constructing, maintaining, and operating airports--Assistance to local governments. The department may, out of appropriations and other funds or grants made available, construct, maintain, and operate airports and aviation facilities, and financially assist any county, municipality, or organized township in constructing, maintaining, and operating airports and aviation facilities. The department may exercise any power or authority conferred upon municipal corporations under this title.

Source: SDC 1939, § 2.0106 as added by SL 1949, ch 2, § 4; SL 1992, ch 60, § 2; SL 1997, ch 16, § 6; SL 2014, ch 222, § 21; SL 2018, ch 269, § 5; SL 2019, ch 203, § 7.

50-4-3. Cooperation with federal agencies. The department may cooperate with any agency or department of the United States in the acquisition, construction, improvement, maintenance, and operation of airports and aviation facilities in this state.

Source: SDC 1939, § 2.0108 as added by SL 1945, ch 2; SL 1949, ch 2, § 5; SL 1997, ch 16, § 7; SL 2014, ch 222, § 22; SL 2018, ch 269, § 6; SL 2019, ch 203, § 8.

50-4-4. Acceptance of contributions. The department may accept and receive federal grants and other funds, either public or private, for and on behalf of the state, any county, or any municipality, for the acquisition, construction, maintenance, and operation of airports and aviation facilities, whether the work is to be done by the state, a county, or a municipality, or jointly, aided by grants from the United States.

Source: SDC 1939, § 2.0108 as added by SL 1945, ch 2; SL 1949, ch 2, § 5; SL 1997, ch 16, § 8; SL 2014, ch 222, § 23; SL 2018, ch 269, § 7; SL 2019, ch 203, § 9.

50-4-5. Department to receive grants or funds and enter into agreements as agent of airport sponsor. The department shall act as an agent of any airport sponsor of this state upon the request of the airport sponsor, in accepting, receiving and receipting for any grants or funds for airports or other aviation purposes, and in contracting for the acquisition, construction, maintenance, or operation of airports or aviation facilities, financed either in whole or in part by federal grants. The governing body of the airport sponsor shall designate the department as its agent for purposes of this section and enter into an agreement with the department prescribing the terms and conditions of the agency.

Source: SDC 1939, § 2.0108 as added by SL 1945, ch 2; SL 1949, ch 2, § 5; SL 1997, ch 16, § 9; SL 2014, ch 222, § 24; SL 2018, ch 269, § 8; SL 2019, ch 203, § 10.

50-4-6. Disposition of federal grants. Any grant paid by the United States government under § 50-4-4 or 50-4-5 shall be retained by the state or appropriated to the airport sponsor under the terms and conditions imposed by the United States government in making the grant.

Source: SDC 1939, § 2.0108 as added by SL 1945, ch 2; SL 1949, ch 2, § 5; SL 2010, ch 227, § 25; SL 2019, ch 203, § 11.

50-4-7. Airport contracts subject to contract laws. Any contract for the acquisition, construction, maintenance, and operation of airports or aviation facilities made by the department, either as the agent of this state or as the agent of any airport sponsor, shall be made in accordance with the laws of this state governing the making of contracts.

Source: SDC 1939, § 2.0108 as added by SL 1945, ch 2; SL 1949, ch 2, § 5; SL 1997, ch 16, § 10; SL 2014, ch 222, § 25; SL 2018, ch 269, § 9; SL 2019, ch 203, § 12.

50-4-8. Deposit of grants and funds in state treasury--Separate funds--Disbursement. All grants or funds accepted for disbursement by the department under §§ 50-4-3 to 50-4-7, inclusive, shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which the grants or funds are received, kept in separate funds, designated according to the purposes for which the grants or funds were made available, and held by the state in trust for those purposes. All grants or funds are continuously appropriated for the purposes for which the grants or funds are made available, to be expended in accordance with those sections. The department may, whether acting for this state or as the agent of any airport sponsor, or if requested by any department or agency of the United States, disburse the grants or funds for their designated purposes.

Source: SDC 1939, § 2.0108 as added by SL 1945, ch 2; SL 1949, ch 2, § 5; SL 1997, ch 16, § 11; SL 2014, ch 222, § 26; SL 2019, ch 203, § 13.

50-4-9 to 50-4-11. Repealed by SL 2010, ch 227, §§ 26 to 28.

50-4-12. Reporting sale of aircraft fuel--Violation as misdemeanor. Each person engaged in selling aircraft fuel to retailers or consumers at wholesale, shall, on or before the fifteenth day of each month, file a sworn statement and report with the department, upon forms ~~provided by the department~~prescribed and provided by the commission, showing the number of gallons of aircraft fuel sold in South Dakota for use in aircraft. Any person failing to file such report is guilty of a Class 2 misdemeanor.

Source: SL 1989, ch 117, § 77; SL 2010, ch 227, § 29.

50-4-13. Appropriation of aircraft fuel tax revenues. ~~All of T~~he aircraft fuel tax collected on aircraft fuel purchased, imported, received, or distributed for subsequent sale for use in aircraft shall be appropriated and used as provided in § 50-4-14.

Source: SL 1989, ch 117, § 78.

50-4-14. Uses for aeronautics fund. The state aeronautics fund and the accumulations to the fund as appropriated by the Legislature may be used for:

- (1) The construction, development, and maintenance of public airports;
- (2) The lighting, marking, and maintenance of runways, taxiways, and parking areas of public airports licensed by the commission, in proportion to the amount of the aircraft fuel tax paid on the aircraft fuel purchased for resale for use in aircraft at each public airport, as nearly as practicable, as to each airport the commission deems to be operated and maintained in accordance with the laws of this state, the rules of the commission, and the standards established by any agency of the United States, provided that the unrestricted use of the airport is at all times available to the general public for the taking off and landing of aircraft;
- (3) The matching of any funds made available by the United States, this state, or any of the political subdivisions of this state for the purchase of sites for airports, and for the construction, development, and maintenance of the airports, in amounts the commission may determine; and
- (4) The paying of salaries, office expenses, traveling, and other expenses of commission and department staff to carry out the responsibilities defined in chapter 50-2.

Source: SL 1989, ch 117, § 79; SL 1990, ch 377, § 5; SL 2010, ch 227, § 30; SL 2014, ch 222, § 27; SL 2019, ch 203, § 14.

50-4-15. Funds appropriated by § 50-4-14 not a limit. The funds appropriated by § 50-4-14 may not be construed to be a limitation on moneys expendable by the commission for the purposes

therein specified, notwithstanding other and further appropriations from the state general fund for said or similar purposes.

Source: SL 1989, ch 117, § 80; SL 1997, ch 16, § 13.

50-4-16. Portion of aircraft fuel tax revenues to be allocated to eligible airports. The department shall make an allocation of a portion of the aircraft fuel tax collected under §§ 10-47B-1 and 10-47B-4, to each eligible airport. The allocation rate shall be determined by the commission. The monthly allocation shall be determined by the department from the monthly reports required by § 50-4-12, and be based as nearly as practicable upon the amount of aircraft fuel tax collected on retail sales of aircraft fuel sold at each eligible airport for use in general aviation aircraft. The amount of aircraft fuel tax collected on aircraft fuel sales to airport sponsors shall be allocated separately by the department. Any remaining aircraft fuel tax collected under §§ 10-47B-1 and 10-47B-4 shall be placed in the aeronautics fund and be used by the commission as provided in § 50-4-14.

Source: SL 1989, ch 117, § 81; SL 2014, ch 222, § 28; SL 2019, ch 203, § 15.

50-4-17. Expenditure of funds. The department shall approve vouchers and the state auditor shall issue warrants to expend the funds appropriated by § 50-4-14. The funds shall be expended as provided in § 50-4-14.

Source: SL 1989, ch 117, § 82; SL 2010, ch 227, § 31; SL 2014, ch 222, § 29.

CHAPTER 50-5

CERTIFIED AIRPORTS, SCHOOLS AND NAVIGATION FACILITIES

[50-5-1](#) Application for approval of all public airports and certain private airports--Action on application.

[50-5-1.1](#) Exemption of certain airports from approval requirements.

[50-5-2](#) Repealed.

[50-5-3](#) Certificate of approval--Fee.

[50-5-4](#) Repealed.

[50-5-5](#) Repealed.

[50-5-6](#) Rejection of application for approval--Conditional approval.

[50-5-7](#) Closure of unapproved facilities.

[50-5-8](#) Inspection of aviation facilities.

[50-5-9](#) Repealed.

[50-5-10](#) Unauthorized entry upon approved facility as misdemeanor.

50-5-1. Application for approval of public airports and certain private airports--Action on application--Violation as misdemeanor. Any owner or operator of a public airport shall apply to the commission for approval for the public airport prior to its use. Any owner or operator of a private airport located within six miles of the nearest boundary of any approved public airport shall

apply to the commission for approval for the private airport prior to its use. The commission shall approve or reject an application within sixty days of receipt of the completed application.

A person is guilty of a Class 2 misdemeanor if the person uses or operates a public airport or a private airport located within six miles of the nearest boundary of an approved public airport without the approval of the commission.

Source: SDC 1939, § 2.0111; SL 1947, ch 1, § 6; SL 1949, ch 4, § 1; SL 2004, ch 287, § 1; SL 2010, ch 227, § 32; SL 2019, ch 203, § 16.

50-5-1.1. Exemption of certain airports from approval requirements. The approval requirements of § 50-5-1 do not apply to temporary airports used only by aircraft while engaged in providing emergency medical services or other emergency services.

Source: SL 2004, ch 287, § 2; SL 2014, ch 222, § 30.

50-5-2. Repealed by SL 2004, ch 287, § 4.

50-5-3. Certificate of approval--Fee. The commission may issue a certificate of approval pursuant to § 50-5-1 and may set a reasonable charge by rules promulgated pursuant to chapter 1-26.

Source: SDC 1939, § 2.0111; SL 1947, ch 1, § 6; SL 1949, ch 4, § 1; SL 2004, ch 287, § 5; SL 2010, ch 227, § 33.

50-5-4. Repealed by SL 2019.

50-5-5. Repealed by SL 1983, ch 15, § 180.

50-5-6. Rejection of application for approval--Conditional approval. If the commission rejects an application for permission to operate or establish an airport or if the commission issues any order requiring certain things to be done, the commission shall set forth its reasons and shall state the requirements to be met before such approval may be given or such order modified or changed.

Source: SDC 1939, § 2.0114; SL 2004, ch 287, § 7; SL 2010, ch 227, § 35.

50-5-7. Closure of unapproved facilities. If the commission deems it necessary, the commission may order the closing of any airport, or order any other aviation facility to cease operations until it complies with the requirements established by the commission.

Source: SDC 1939, § 2.0114; SL 2010, ch 227, § 36; SL 2014, ch 222, § 31; SL 2018, ch 269, § 10.

50-5-8. Inspection of aviation facilities. The commission or the commission's agent may inspect and examine at reasonable hours, to carry out the provisions of this title, the premises, buildings, and other structures where airports or aviation facilities are operated.

Source: SDC 1939, § 2.0114; SL 2010, ch 227, § 37; SL 2014, ch 222, § 32; SL 2018, ch 269, § 11; SL 2019, ch 203, § 17.

50-5-9. Repealed by SL 2014, ch 222, § 33.

50-5-10. Unauthorized entry upon approved facility as misdemeanor. Except as otherwise provided, no person, without the express or implied consent of the owner or operator of any airport which has been approved by the commission for public use by aircraft, may enter, trespass on, or occupy any runway or other portion of the airport which will interfere, restrict, impede, or endanger the use of the airport by another person or the operator of an aircraft. A violation of this section is a Class 1 misdemeanor.

Source: SL 1966, ch 5; SL 1983, ch 15, § 181; SL 2010, ch 227, § 39; SL 2014, ch 222, § 34.

CHAPTER 50-6

CITY AIRPORT BOARDS [REPEALED]

[50-6-1](#) Repealed.

[50-6-2](#) Repealed.

[50-6-3](#) Repealed.

[50-6-4](#) to 50-6-7. Repealed.

[50-6-8](#) to 50-6-17. Repealed.

50-6-1. Repealed by SL 2014, ch 222, § 35.

50-6-2. Repealed by SL 1995, ch 49, § 26.

50-6-3. Repealed by SL 2014, ch 222, § 36.

50-6-4 to 50-6-7. Repealed by SL 1995, ch 49, §§ 27 to 30.

50-6-8 to 50-6-17. Repealed by SL 2014, ch 222, § 36.

CHAPTER 50-6A

REGIONAL AIRPORT AUTHORITIES

- [50-6A-1](#) Repealed.
- [50-6A-2](#) Creation of regional airport authority by resolution.
- [50-6A-3](#) Public hearing required for adoption of resolutions--Notice.
- [50-6A-4](#) Appointment of regional airport authority commissioners--Term of office--Certificates of appointment filed.
- [50-6A-5](#) Resolutions filed with secretary of state by initial commissioners--Issuance of certificate of incorporation.
- [50-6A-6](#) Certificate of incorporation as proof of airport authority's establishment--Admissibility in evidence.
- [50-6A-7](#) Powers vested in commissioners--Adoption of procedural rules--Quorum--Majority vote required for action.
- [50-6A-8](#) Organization and election of officers--Chairman and vice-chairman.
- [50-6A-9](#) Employment of personnel--Legal services--Delegation of powers and duties.
- [50-6A-10](#) Expenses of commissioners--No compensation.
- [50-6A-11](#) Addition of subdivisions to airport authority--Resolution of consent.
- [50-6A-12](#) Exclusion of subdivisions from authority--Assets and liabilities--Bondholders' consent.
- [50-6A-13](#) Increase or decrease resolution forwarded to secretary of state--Amended certificate issued.
- [50-6A-14](#) Subdivision aid to regional authority.
- [50-6A-15](#) Corporate powers of regional authority.
- [50-6A-16](#) Operation of airports and aviation facilities.
- [50-6A-17](#) Acquisition of airports and aviation facilities.
- [50-6A-18](#) Power to use public waters.
- [50-6A-19](#) Eminent domain procedure--Property previously acquired by eminent domain--Entry for surveys.
- [50-6A-20](#) Taking possession on commencement of eminent domain proceedings--Abandonment of proceedings--Liability for damage.
- [50-6A-21](#) Zoning powers of authority.
- [50-6A-22](#) Subdivision's zoning power not limited.
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- [50-6A-52](#) Airport acquisitions and development declared public purpose and necessity.
- [50-6A-53](#) Tax exemption of airport property and income.
- [50-6A-54](#) Severability of provisions.
- [50-6A-55](#) Citation of chapter.

50-6A-1. Repealed by SL 2019.

50-6A-2. Creation of regional airport authority by resolution. Any subdivision may by resolution, create a public body, corporate and politic, to be known as a regional airport authority. That authority shall be authorized to exercise its functions upon the issuance by the secretary of state of a certificate of incorporation.

Source: SL 1976, ch 303, § 2; SL 2014, ch 222, § 38.

50-6A-3. Public hearing required for adoption of resolutions--Notice. A subdivision shall not adopt any resolution authorized by § 50-6A-2 or 50-6A-11 without a public hearing thereon. Notice thereof shall be given at least ten days prior thereto in the official newspaper of the subdivision, or if the subdivision has no official newspaper, then in a newspaper having general circulation in the subdivision.

Source: SL 1976, ch 303, § 5.

50-6A-4. Appointment of regional airport authority commissioners--Term of office--Certificates of appointment filed. The governing bodies of the subdivisions participating in the creation of the regional airport authority shall, pursuant to such joint resolution appoint not less than five persons as commissioners of the regional airport authority. The number of commissioners to be appointed and their representation shall be provided for in the joint resolution. The terms of commissioners of a regional airport authority who are first appointed shall be: at least one appointed for a term of one year; at least one appointed for a term of two years; at least one appointed for a term of three years; at least one appointed for a term of four years; and at least one appointed for a term of five years. Except for the commissioners first appointed, all commissioners of a regional airport authority shall be appointed for terms of five years. However, if a vacancy occurs otherwise than by expiration of term, the vacancy shall be filled for the unexpired term in the same manner as the original appointments. Each commissioner shall hold office until a successor has been appointed and has qualified but for no more than two full consecutive terms. The certificates of the appointment and reappointment of commissioners shall be filed with the authority and the secretary of state. Commissioners shall be subject to recall pursuant to §§ 9-13-29 to 9-13-35, inclusive.

Source: SL 1976, ch 303, §§ 2, 6, 9; SL 1986, ch 398, § 1; SL 1995, ch 265, § 1.

50-6A-5. Resolutions filed with secretary of state by initial commissioners--Issuance of certificate of incorporation. Upon the appointment and qualification of the commissioners first appointed to a regional airport authority, the regional airport authority shall submit, to the secretary of state, a certified copy of each resolution adopted pursuant to § 50-6A-2 by the subdivisions included in the regional authority, and upon receipt of the copy the secretary of state shall issue a certificate of incorporation to the regional airport authority.

Source: SL 1976, ch 303, § 7; SL 2014, ch 222, § 39.

50-6A-6. Certificate of incorporation as proof of airport authority's establishment--Admissibility in evidence. In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract of an airport authority, such airport authority shall be conclusively deemed to have become established and authorized to transact its business and exercise its powers hereunder upon proof of the issuance by the secretary of state of a certificate of incorporation of such airport authority. A copy of such certificate of incorporation, duly certified by the secretary of state, shall be admissible in evidence in any suit, action, or proceeding.

Source: SL 1976, ch 303, § 8.

50-6A-7. Powers vested in commissioners--Adoption of procedural rules--Quorum--Majority vote required for action. The powers of each regional airport authority shall be vested in the

commissioners thereof. Each such authority shall adopt and amend from time to time rules for its own procedure not inconsistent with this section and §§ 50-6A-8 to 50-6A-10, inclusive. A majority of the commissioners of an authority shall constitute a quorum for the purpose of conducting business of the authority and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present.

Source: SL 1976, ch 303, §§ 2, 9.

50-6A-8. Organization and election of officers--Chairman and vice-chairman. Each such regional airport authority, once created, shall organize and elect officers for terms of office to be fixed by agreement. There shall be elected a chairman and vice-chairman from among the commissioners.

Source: SL 1976, ch 303, §§ 2, 9.

50-6A-9. Employment of personnel--Legal services--Delegation of powers and duties. A regional airport authority may employ an executive director, secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the subdivisions included in the authority or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Source: SL 1976, ch 303, § 9.

50-6A-10. Expenses of commissioners--No compensation. A commissioner of an authority shall receive no compensation for his services, but shall be entitled to the necessary expense, including traveling expenses, incurred in the discharge of his duties.

Source: SL 1976, ch 303, § 9.

50-6A-11. Addition of subdivisions to airport authority--Resolution of consent. A regional airport authority may be increased from time to time to serve one or more additional subdivisions if such additional subdivision and each of the subdivisions then included in the regional authority and the commissioners of the regional authority, respectively, adopt a resolution consenting thereto.

Source: SL 1976, ch 303, § 3.

50-6A-12. Exclusion of subdivisions from authority--Assets and liabilities--Bondholders' consent. A regional airport authority may be decreased if each of the subdivisions then included

in the regional authority and the commissioners of the regional authority consent to the decrease and make provisions for the retention or disposition of its assets and liabilities; provided that, if the regional authority has any bonds outstanding no decrease shall be effected unless one hundred per cent of the holders of the bonds consent thereto in writing.

Source: SL 1976, ch 303, § 4.

50-6A-13. Increase or decrease resolution forwarded to secretary of state--Amended certificate issued. When a regional airport authority is increased or decreased pursuant to § 50-6A-11 or 50-6A-12, it shall forward to the secretary of state a certified copy of each resolution adopted pursuant thereto and upon receipt thereof, the secretary of state shall issue an amended certificate of incorporation in accordance therewith.

Source: SL 1976, ch 303, § 7.

50-6A-14. Subdivision aid to regional authority. For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of airports and aviation facilities pursuant to the provisions of this chapter, any subdivision for which an authority has been created may, upon such terms, with or without consideration, as it may determine:

- (1) Lend or donate money to the authority;
- (2) Provide that all or a portion of the taxes or funds available or to become available to, or required by law to be used by, the subdivision for airport purposes, be transferred or paid directly to the airport authority as such funds become available to the subdivision;
- (3) Cause water, sewer, or drainage facilities, or any other facilities which it is empowered to provide, to be furnished adjacent to or in connection with such airports or aviation facilities;
- (4) Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or any other rights or privileges therein to the authority;
- (5) Furnish, dedicate, close, pave, install, grade, regrade, plan, or replan streets, roads, roadways, and walks from established streets or roads to such airports or aviation facilities;
- (6) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, or operation of airports and aviation facilities; and
- (7) Enter into agreements with the authority respecting action to be taken by the subdivision pursuant to the provisions of this section.

Source: SL 1976, ch 303, § 32; SL 2018, ch 269, § 13.

50-6A-15. Corporate powers of regional authority. A regional airport authority shall have the power:

- (1) To sue and be sued; to have a seal; and to have perpetual succession;

(2) To execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this chapter.

In addition to the general and special powers conferred by this chapter, every authority is authorized to exercise such powers as are necessary incidental to the exercise of such general and special powers.

Source: SL 1976, ch 303, §§ 10 (1), (2), 34.

50-6A-16. Operation of airports and aviation facilities. A regional airport authority may plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect airports and aviation facilities, within this state and within any adjoining state, including the acquisition, construction, installation, equipment, maintenance, and operation at such airports or buildings and other facilities for the servicing of aircraft or for comfort and accommodation of air travelers, and the purchase and sale of supplies, goods, and commodities as are incident to the operation of its airport properties. For such purposes an authority may by purchase, gift, devise, lease, eminent domain proceedings or otherwise, acquire property, real or personal, or any interest therein, including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards or to prevent the establishment of airport hazards.

Source: SL 1976, ch 303, § 10 (3); SL 2018, ch 269, § 14.

50-6A-17. Acquisition of airports and aviation facilities. An authority may acquire, by purchase, gift, devise, lease, eminent domain proceedings, or otherwise, existing airports and aviation facilities. However an authority may not acquire or take over any airport or aviation facility owned or controlled by another authority, a subdivision, or public agency of this or any other state without the consent of the authority, subdivision, or public agency.

Source: SL 1976, ch 303, § 10 (5); SL 2018, ch 269, § 15.

50-6A-18. Power to use public waters. A regional airport authority shall have the power to establish or acquire and maintain airports in, over, and upon any public waters of this state, any submerged lands under such public waters; and to construct and maintain terminal buildings, landing floats, causeways, roadways, and bridges for approaches to or connecting with any such airport, and landing floats and breakwaters for the protection thereof.

Source: SL 1976, ch 303, § 10 (6).

50-6A-19. Eminent domain procedure--Property previously acquired by eminent domain--Entry for surveys. In the acquisition of property by eminent domain proceedings authorized by this chapter, an airport authority shall proceed in the manner provided by chapter 21-35, and such other

laws that may now or hereafter apply to the state or to political subdivisions of this state in exercising the right of eminent domain. The fact that the property to be acquired by eminent domain proceedings was acquired by its owner by eminent domain proceedings shall not prevent its acquisition by such proceedings by the authority. For the purpose of making surveys and examinations relative to eminent domain proceedings, it shall be lawful for the authority to enter upon the land, doing no unnecessary damage.

Source: SL 1976, ch 303, § 11.

50-6A-20. Taking possession on commencement of eminent domain proceedings--Abandonment of proceedings--Liability for damage. Notwithstanding the provisions of any other statute or other law of this state, a regional airport authority may take possession of any property to be acquired by eminent domain proceedings at any time after the commencement of such proceedings. The authority shall not be precluded from abandoning such proceedings at any time prior to final order and decree of the court having jurisdiction of such proceedings; provided that the authority shall be liable to the owner of the property for any damage done to the property during possession thereof by the authority.

Source: SL 1976, ch 303, § 11.

50-6A-21. Zoning powers of authority. A regional airport authority shall have the power to establish comprehensive airport zoning regulations in accordance with the laws of this state. For the purpose of this chapter, a regional airport authority shall have the same powers as all other political subdivisions in the adoption and enforcement of comprehensive airport zoning regulations as provided for by the laws of this state.

Source: SL 1976, ch 303, § 10 (4).

50-6A-22. Subdivision's zoning power not limited. Nothing contained in this chapter shall be construed to limit any right, power, or authority of a subdivision to regulate airport hazards by zoning.

Source: SL 1976, ch 303, § 35.

50-6A-23. Certification of tax levy amounts--Levy by subdivisions--Collection--Payment to authority. An authority shall have all the powers necessary or convenient to carry out the purposes of this chapter including the power to certify, annually to the governing bodies creating it, the amount of financial support requested from said governing bodies for airport purposes. Each subdivision may, if deemed necessary by the subdivision, levy the amount requested pursuant to provisions of law authorizing municipalities and other political subdivisions of this state to levy taxes for airport purposes. The levy made may not exceed the maximum levy permitted by the laws of this state for airport purposes. Each subdivision shall collect the taxes levied for an airport

authority in the same manner as other taxes are levied and collected and make payment to the airport authority.

Source: SL 1976, ch 303, §§ 10, 23; SL 1995, ch 265, § 2.

50-6A-24. Maximum airport levy--County levy inapplicable to municipality levying. In counties or municipalities supporting airport authorities, a levy in addition to all other levies permitted by law, not to exceed two dollars and forty cents per thousand dollars of taxable valuation of property in such county or municipality, may be made for such purposes, but such county levy may not apply to any municipality levying hereunder.

Source: SL 1976, ch 303, § 24; SL 1989, ch 87, § 15G.

50-6A-25. Tax proceeds deposited in special accounts--Expenditure by authority. The proceeds of taxes for support of an airport authority when and as paid to the airport authority shall be deposited in a special account or accounts in which other revenues of the authority are deposited and may be expended by the authority as provided for in this chapter.

Source: SL 1976, ch 303, § 23.

50-6A-26. Covenant in bond resolution to levy taxes until bonds paid. Prior to the issuance of bonds under § 50-6A-29 the airport authority may by resolution covenant and agree that the total amount of such taxes then authorized by law, or such portion thereof as may be specified by the resolution, will be certified, levied and deposited annually as herein provided, until the bonds and interest thereon are fully paid.

Source: SL 1976, ch 303, § 23.

50-6A-27. Acceptance and expenditure of grants, donations and loans--Terms and conditions. An authority is authorized to accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this chapter. All federal moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the state.

Source: SL 1976, ch 303, § 21.

50-6A-28. Department as agent of authority--Agreement as to terms and conditions--Separate fund in state treasury. An authority may designate the department as the authority's agent to accept,

receive, receipt for, and disburse federal and state moneys, and other moneys, public or private, made available by grant or loan or both, to accomplish in whole or in part, any of the purposes of this chapter. The authority shall designate the department as the authority's agent in contracting for and supervising the planning, acquisition, development, construction, improvement, maintenance, equipment, or operation of any airport or other aviation facility.

An authority shall enter into an agreement with the department prescribing the terms and conditions of the agency in accordance with any terms and conditions as are prescribed by the United States, if federal money is involved, and in accordance with the applicable laws of this state. All federal moneys accepted under this section by the department shall be accepted and transferred or expended by the department upon any terms and conditions as are prescribed by the United States.

All moneys received by the department pursuant to this section shall be deposited in the state treasury, and unless otherwise prescribed by the agency from which the moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and shall be held by the state in trust for such purposes.

Source: SL 1976, ch 303, § 22; SL 2010, ch 227, § 40; SL 2014, ch 222, § 40; SL 2018, ch 269, § 16.

50-6A-29. Bonds issued by authority--Terms--Minimum sale price--Interest rate. An authority shall have the power to borrow money for any of its corporate purposes and issue its bonds therefor, including refunding bonds, in such form and upon such terms as it may determine, payable out of any revenues of the authority, including grants or contributions from the federal government or other sources, which bonds may be sold at not less than ninety-eight percent of par plus the interest accrued on the bonds to the date of the delivery thereof. There shall be no interest rate ceiling on those issues sold at public sale.

Source: SL 1976, ch 303, § 13.

50-6A-30. Bonds payable solely from airport revenues--Special obligation if within debt limitation. Any bonds issued pursuant to this chapter by an authority shall be payable, as to principal and interest, solely from revenues of an airport or airport facility or facilities, and shall so state on their face, but if any such issue of bonds constitutes an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, each bond of the issue shall be an equally valid and binding special obligation of the authority in accordance with its terms, in an amount proportionate to the total amount of the issue which is within such limitation or restriction.

Source: SL 1976, ch 303, § 14; SL 2018, ch 269, § 17.

50-6A-31. Covenants and indentures for bond security--Priority over operating costs. For the security of any such bonds the authority may by resolution make and enter into any covenant, agreement, or indenture authorized to be made as security for revenue bonds. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be made payable from any and all revenues referred to in this chapter, prior to the payment of current costs of operation and maintenance of the facilities.

Source: SL 1976, ch 303, § 17.

50-6A-32. Recitation in bond as conclusive on issuance and purpose. Any bond reciting in substance that it has been issued by the authority pursuant to the provisions of this chapter and for a purpose or purposes authorized to be accomplished by this chapter shall be conclusively deemed, in any suit, action, or proceeding involving the validity or enforceability of the bond or the security therefor, to have been issued pursuant to such provisions and for such purpose or purposes.

Source: SL 1976, ch 303, § 16.

50-6A-33. Signatures of commissioners or officers valid after signers leave office. In case any of the commissioners or officers of an authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers after authorization but before the delivery of the bonds, the signature shall, nevertheless be valid and sufficient for all purposes, the same as if the commissioners or officers had remained in office until delivery.

Source: SL 1976, ch 303, § 15.

50-6A-34. Public sale of bonds--Small issues excepted--Interest. Bonds issued pursuant to § 50-6A-29 shall be sold at public sale, except when such obligations do not exceed the total sum of one hundred thousand dollars, and shall bear interest.

Source: SL 1976, ch 303, § 13; SL 1983, ch 28, § 64.

50-6A-35. Bonds fully negotiable. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

Source: SL 1976, ch 303, § 15.

50-6A-36. Tax exemption of bonds. Bonds issued by an authority pursuant to the provisions of this chapter are declared to be issued for an essential public and governmental purpose and, together with interest thereon, and income therefrom, shall be exempt from all taxes.

Source: SL 1976, ch 303, § 16.

50-6A-37. No personal liability on bonds unless debt limitation exceeded. Neither the commissioners of an authority nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof, except to the extent that the bonds, if constituting an indebtedness, exceed any applicable limitation or restriction.

Source: SL 1976, ch 303, § 14.

50-6A-38. Arrangements for airport operation--Maximum duration--Purposes--Terms and conditions--Public rights protected. In connection with the operation of an airport or airport facility owned or controlled by an authority, the authority may enter into contracts, leases, and other arrangements for terms not to exceed thirty years with any persons:

- (1) Granting the privilege of using or improving the airport or airport facility or any portion or facility thereof or space therein for commercial purposes;
- (2) Conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or airport facility; and
- (3) Making available services to be furnished by the authority or its agents at the airport or airport facility.

In each case the authority may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class or privilege or service and shall be established with due regard to the property and improvements used and the expenses of operation to the authority. However, in no case may the public be deprived of its rightful, equal, and uniform use of the airport, airport facility, or portion or facility thereof.

Source: SL 1976, ch 303, § 18; SL 2018, ch 269, § 18.

50-6A-38.1. Regional airport authority authorized to provide funds for air carrier air service. A regional airport authority may pay compensation to a regularly scheduled commercial air carrier to provide basic or enhanced air service as provided in the Airport and Airway Safety and Capacity Expansion Act of 1987 and may provide compensation to a regularly scheduled air carrier. Funds provided by a regional airport authority to pay compensation for such air service shall be budgeted pursuant to chapter 50-6A.

Source: SL 1988, ch 376, § 4; SL 1990, ch 377, § 3; SL 2014, ch 222, § 41.

50-6A-39. Operating contract for airport--Duration--Conditions. Except as may be limited by the terms and conditions of any grant, loan, or agreement authorized by §§ 50-6A-27 and 50-6A-28, an authority may by contract, lease, or other arrangements, upon a consideration fixed by it, grant to any qualified person for a term not to exceed thirty years the privilege of operating, as agent of the authority or otherwise, any airport owned or controlled by the authority; provided that no person shall be granted any authority to operate an airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the authority might not have undertaken under § 50-6A-38.

Source: SL 1976, ch 303, § 19.

50-6A-40. Disposal of airport or property by authority--Manner and terms. Except as may be limited by the terms and conditions of any grant, loan or agreement, authorized by §§ 50-6A-

27 and 50-6A-28, an authority may, by sale, lease, or otherwise, dispose of any airport, airport facility, or other property, or portion thereof or interest therein, acquired pursuant to this chapter. The disposal by sale, lease, or otherwise, shall be in accordance with the laws of this state governing the disposition of other public property, except that in the case of disposal to another authority, a subdivision, or an agency of the state or federal government for use and operation as a public airport, the sale, lease, or other disposal may be effected in such manner and upon such terms as the commissioners of the authority may deem in the best interest of civil aviation.

Source: SL 1976, ch 303, § 12; SL 2018, ch 269, § 19.

50-6A-41. Rules, regulations, and orders. An authority may adopt, amend, and repeal such reasonable resolutions, rules, regulations, and orders as it deems necessary for the management, government, and use of any airport or airport facility owned by it or under its control. No rule, regulation, order, or standard prescribed by the commission shall be inconsistent with, or contrary to, any act of the Congress of the United States or any regulation promulgated or standard established pursuant thereto. The authority shall keep on file at the principal office of the authority for public inspection a copy of all its rules and regulations.

Source: SL 1976, ch 303, § 20; SL 2018, ch 269, § 20.

50-6A-42. Agencies authorized to act through joint boards. For the purposes of this section and §§ 50-6A-43 to 50-6A-51, inclusive, unless otherwise qualified:

(1) The term "public agency" includes any subdivision or authority, as defined in this chapter, any agency of the state government or of the United States, and any municipality, political subdivision or agency of an adjoining state; and

(2) The term "governing body" includes commissioners of an authority, the governing body of a subdivision, and the head of an agency of a state or the United States if the public agency is other than an authority or subdivision.

Source: SL 1976, ch 303, § 25.

50-6A-43. Joint exercise of powers by airport authority and public agency. All powers, privileges, and authority granted by this chapter may be exercised and enjoyed by an authority jointly with any public agency of this state, and jointly with any public agency of any adjoining state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government, when acting jointly with any authority, may exercise and enjoy all the powers, privileges, and authority conferred by this chapter upon an authority.

Source: SL 1976, ch 303, § 25.

50-6A-44. Joint action agreements between public agencies--Terms and conditions. Any two or more public agencies may enter into agreements with each other for joint action pursuant to the

provisions of §§ 50-6A-42 to 50-6A-51, inclusive. Each agreement shall specify its duration, the proportionate interest which each public agency shall have in the property, facilities, and privileges involved in the joint undertaking, the proportion of costs of operation, and other considerations, to be borne by each public agency, and such other terms as are deemed necessary or required by law. The agreement may also provide for amendments and termination; disposal of all or any of the property, facilities, and privileges jointly owned, prior to, or at such times as said property, facilities, and privileges, or any part thereof, cease to be used for the purposes provided in this chapter, or upon termination of the agreement; the distribution of the proceeds received upon any disposal, and of any funds or other property jointly owned and undisposed of; the assumption of payment of any indebtedness arising from the joint undertaking which remains unpaid upon the disposal of all assets or upon a termination of the agreement; and such other provisions as may be necessary or convenient.

Source: SL 1976, ch 303, § 26.

50-6A-45. Joint board created by public agencies. Public agencies acting jointly pursuant to §§ 50-6A-42 to 50-6A-51, inclusive, shall create a joint board which shall consist of members appointed by the governing body of each participating public agency. The number to be appointed, their term and compensation, if any, shall be provided for in the joint agreement. Each joint board shall organize, select officers for such terms as are fixed by the agreement, and adopt and amend from time to time rules for its own procedure. The joint board may, as agent of the participating public agencies, to plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police any airport, airport facility, or airport hazard to be jointly acquired, controlled and operated. The board may be authorized by the participating public agencies to exercise on behalf of its constituent public agencies all the powers of each with respect to the airport, airport facility, or airport hazard, subject to the limitations of §§ 50-6A-46 to 50-6A-51, inclusive.

Source: SL 1976, ch 303, § 27; SL 2018, ch 269, § 21.

50-6A-46. Annual budget for joint board expenditures--Approval by constituent agencies. The total expenditures to be made by the joint board for any purpose in any calendar year shall be as determined by a budget approved by the constituent public agencies on or before the preceding December first, or as otherwise specifically authorized by the constituent public agencies.

Source: SL 1976, ch 303, § 28.

50-6A-47. Approval required for costs in excess of agreement or budget. No airport, airport facility, airport hazard, or real or personal property, the cost of which is in excess of sums fixed therefor by the joint agreement or allotted in the annual budget, may be acquired, established, or

developed by the joint board without the approval of the governing bodies of its constituent public agencies.

Source: SL 1976, ch 303, § 28; SL 2018, ch 269, § 22.

50-6A-48. Eminent domain proceedings by joint board--Public agency approval required--Property held as tenants in common. Eminent domain proceedings under §§ 50-6A-42 to 50-6A-45, inclusive, may be instituted by the joint board only by authority of the governing bodies of the constituent public agencies of the joint board. If so authorized, such proceedings shall be instituted in the names of the constituent public agencies jointly, and the property so acquired shall be held by said public agencies as tenants in common.

Source: SL 1976, ch 303, § 28.

50-6A-49. Resolutions, rules, regulations and orders of joint board concerning contracts and leases--Public agency approval required--Force and effect. Any resolutions, rules, regulations, or orders of the joint board dealing with subjects authorized by §§ 50-6A-38 and 50-6A-39 shall become effective only upon approval of the governing bodies of the constituent public agencies; provided that upon such approval, the resolutions, rules, regulations, or orders of the joint board shall have the same force and effect in the territories or jurisdictions involved as the ordinances, resolutions, rules, regulations, or orders of each public agency would have in its own territory or jurisdiction.

Source: SL 1976, ch 303, § 28.

50-6A-50. Joint fund created for joint board. For the purpose of providing the joint board with moneys for the necessary expenditures in carrying out the provisions of §§ 50-6A-42 to 50-6A-51, inclusive, a joint fund shall be created and maintained, into which shall be deposited the share of each of the constituent public agencies as provided by the joint agreement. Any federal, state, or other grants, contributions, or loans, and the revenues obtained from the joint ownership, control, and operation of any airport or airport facility under the jurisdiction of the joint board shall be paid into the joint fund. Disbursements from the fund shall be made by order of the board, subject to the limitations prescribed in §§ 50-6A-46 to 50-6A-51, inclusive.

Source: SL 1976, ch 303, § 29; SL 2018, ch 269, § 23.

50-6A-51. Disposal of airports or property by joint board. The joint board may not dispose of any airport, airport facility, or real property under its jurisdiction except with the consent of the

governing bodies of its constituent public agencies, provided that the joint board may, without such consent, enter into contracts, leases, or other arrangements contemplated by §§ 50-6A-38 and 50-6A-39.

Source: SL 1976, ch 303, § 28; SL 2018, ch 269, § 24.

50-6A-52. Airport acquisitions and development declared public purpose and necessity. The acquisition of any land, or interest therein, pursuant to this chapter, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of airports and airport facilities, including the acquisition or elimination of airport hazards, and the exercise of any other powers herein granted to authorities and other public agencies, to be severally or jointly exercised, are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of any authority or other public agency in the manner and for the purposes enumerated in this chapter shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

Source: SL 1976, ch 303, § 30; SL 2018, ch 269, § 25.

50-6A-53. Tax exemption of airport property and income. Any property in this state acquired by an authority for airport purposes pursuant to the provisions of this chapter, and any income derived by the authority from the ownership, operation, or control thereof, shall be exempt from taxation to the same extent as other property used for public purpose.

Source: SL 1976, ch 303, § 31.

50-6A-54. Severability of provisions. If a part of this chapter is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this chapter is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Source: SL 1976, ch 303, § 37.

50-6A-55. Citation of chapter. This chapter may be cited as the "Airport Authorities Act."

Source: SL 1976, ch 303, § 36.

CHAPTER 50-7
PUBLICLY OWNED AIRPORTS

- [50-7-1](#) Definitions.
 - [50-7-2](#) County commissioners and municipalities may maintain airports--Airports in adjoining states--Creation of airport board.
 - [50-7-2.1](#) Repealed.
 - [50-7-2.2](#) Exercise outside state of airport powers granted state agencies.
 - [50-7-2.3](#) Exercise of airport powers in state by adjacent state or governmental agency--Eminent domain powers--Reciprocity required.
 - [50-7-2.4](#) Joint exercise of interstate airport powers.
 - [50-7-3](#) Lease of airport to private operator--Liability for negligent maintenance of airport.
 - [50-7-4](#) Acquisition of airport lands as public purpose--Procedure for condemnation--Exchange of lands.
 - [50-7-5](#) Joint operation of airport by public bodies--Purchase of interest in airport--Creation of airport boards.
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 - [50-7-7](#) Statement of intention to establish airport--Protest by voters--Submission to vote.
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 - [50-7-9](#) Annual appropriations for airports--Taxation.
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 - [50-7-11](#) Airport contracts subject to public contract laws.
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 - [50-7-13](#) Administration of existing airports--Creation of airport board.
 - [50-7-14](#) Charges for use of airport--Approval of governing body.
 - [50-7-14.1](#) Maximum liability of municipality for accidents or occurrences.
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 - [50-7-16](#) Interest on amounts to be reimbursed.
 - [50-7-17](#) Department approval required to apply for federal funds--Agent for receipt and disbursement of federal funds.
 - [50-7-18](#) Indemnification agreements for federal funds used to purchase lands subject to mineral rights or oil and gas leases.
 - [50-7-19](#) Limitations on indemnification agreements.
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50-7-1. Definitions. Municipalities includes organized townships and counties. For the purposes of this chapter, the term, municipalities, includes organized townships and organized counties, with any power and authority to be conferred upon organized townships and organized counties as is conferred upon municipalities.

Source: SDC 1939, § 2.0206 as enacted by SL 1949, ch 5; SL 1951, ch 2; SL 2014, ch 222, § 42; SL 2019, ch 203, § 18.

50-7-2. County commissioners and municipalities may maintain airports--Airports in adjoining states--Creation of airport board. The board of county commissioners of any county in this state may acquire, establish, construct, own, control, lease, equip, improve, maintain, operate,

and regulate airports for the use of aircraft within the limits of the county, and may use for any such purpose any real property suitable therefor owned or controlled by the county. Each municipality has the same power and jurisdiction except that a municipality may exercise the power either within or without the corporate limits of the municipality. ~~Any municipality situated at or near the boundary line of an adjoining state may exercise the power and jurisdiction over real property and persons, for such purposes in the adjoining state and may maintain actions in the corporate name in the courts of the adjoining state for the exercise or protection of any rights authorized by this chapter.~~ The governing boards of a county or a municipality may by resolution create an airport board.

Source: SDC 1939, § 2.0201; SL 1939, ch 1; SL 1941, ch 1; SL 1945, ch 3; SL 1945, ch 4; SL 1947, ch 2; SL 1961, ch 1; SL 1992, ch 60, § 2; SL 2014, ch 222, § 43.

50-7-2.1. Repealed by SL 2014, ch 222, § 44.

50-7-2.2. Repealed by SL 2019.

50-7-2.3. Repealed by SL 2019.

50-7-2.4. Repealed by SL 2019.

50-7-3. Lease of airport to private operator--Liability for negligent maintenance of airport. Any governmental agency may lease an airport or any portion of an airport or any airport facility for operating purposes to any person or corporation upon terms and conditions for a term of not to exceed fifty years as the governing body may approve. No governmental agency nor the governing agency is liable for the negligent maintenance or operation of any airport building, or other facility leased to an operator or erected by an operator upon a leased site.

Source: SDC 1939, § 2.0201 as added by SL 1939, ch 1; SL 1941, ch 1; SL 1945, ch 3; SL 1945, ch 4; SL 1947, ch 2; SL 1961, ch 1; SL 1992, ch 60, § 2; SL 2014, ch 222, § 45; SL 2015, ch 238, § 1.

50-7-4. Acquisition of airport lands as public purpose--Procedure for condemnation--Exchange of lands. Any lands acquired, owned, controlled, or occupied by a governmental agency for the purposes enumerated in § 50-7-3 shall and are hereby declared to be acquired, owned, controlled, and occupied for a public purpose and as a matter of public necessity. The governmental agency has the right to acquire public or private real property for such purposes by purchase from the owner if agreement on the terms can be made and if not by condemnation in the manner provided by law under which the governmental agency is authorized to acquire real property for public purposes. If there be no such law, in the manner provided generally for the

condemnation of property for public use, the governmental agency has the right to exchange lands owned by the governmental agency for other lands of like character and value within the county or an abutting county whether privately owned or owned by the United States, the State of South Dakota, or any of its political subdivisions. The exchange shall be authorized by resolution of the governing body directing the execution of the necessary conveyance or conveyances. Any conveyance shall be signed by the presiding officer of the governing body and attested by the auditor or clerk.

Source: SDC 1939, § 2.0201; SL 1939, ch 1; SL 1941, ch 1; SL 1945, ch 3; SL 1945, ch 4; SL 1947, ch 2; SL 1964, ch 1; SL 1992, ch 60, § 2; SL 2014, ch 222, § 46.

50-7-5. Joint operation of airport by public bodies--Purchase of interest in airport--Creation of airport boards. Any power granted by this chapter to counties and municipalities may be exercised jointly by the county and municipalities located in the county or abutting county. In the case of any existing airport owned by a municipality, the county in which the municipality is located, or an abutting county, may purchase from the municipality an interest in the airport. In the case of any airport operated by a county, a municipality in the county or abutting county may purchase from the county an interest in the airport and may appropriate money and do all other things necessary to share in the operation expense as if the airport was owned and operated solely by the county or municipality. In case of a jointly owned and operated airport the management of the airport shall be in accordance with regulations adopted by the governing boards of the county and municipality not inconsistent with other provisions of this chapter, and the governing boards of the county and municipality may by resolutions of their respective governing bodies create an airport board.

Source: SDC 1939, § 2.0201 as added by SL 1939, ch 1; SL 1941, ch 1; SL 1945, ch 3; SL 1945, ch 4; SL 1947, ch 2; SL 1959, ch 1; SL 1964, ch 1; SL 1985, ch 77, § 31; SL 1992, ch 60, § 2; SL 2014, ch 222, § 47.

50-7-6. Acquisition of land for county airport. The board of county commissioners may appropriate money for the purpose of paying the purchase price or award for real property acquired or to be acquired for an airport or landing field, and to pay therefor, wholly or partly by such appropriation.

Source: SDC 1939, § 2.0202; SL 1970, ch 263, § 1; SL 1985, ch 77, § 32.

50-7-7. Statement of intention to establish airport--Protest by voters--Submission to vote. If the question of establishing a county airport has not previously been approved by a majority vote of the voters at an election at which the question was submitted, then any county desiring to establish and construct an airport shall state in the next published report of the county's proceedings the county's intention to establish and construct the airport stating the maximum amount which might be required to do so. If within sixty days from the publication a protest signed by fifteen percent of the voters of the county voting ~~for Governor~~ at the last general election for Governor be

filed with the county commissioners, then no action may be taken until the question has been submitted to a vote of the people and sixty percent of those voting shall vote in favor thereof. The question to be so submitted shall be, "Shall the county expend an amount not to exceed \$ _____ to establish and construct an airport?"

Source: SDC 1939, § 2.0202; SL 1970, ch 263, § 2; SL 2014, ch 222, § 48.

50-7-8. Authority of municipalities to acquire airport--Raising funds for airport--Authorization, issuance and sale of bonds. The governing body of any municipality may appropriate money, levy a tax or issue the bonds of the municipality to pay the purchase price or award for real property acquired, or to be acquired, for an airport or landing field, and to pay for it, wholly or partly, by an appropriation, tax levy or the proceeds of the bond issue. All bonds shall be authorized, issued and sold as provided in chapter 6-8B.

Source: SDC 1939, § 2.0203; SL 1984, ch 43, § 125; SL 1992, ch 60, § 2.

50-7-9. Annual appropriations for airports--Taxation. The governing body of a municipality to which this chapter is applicable having power to appropriate money therein may annually appropriate and cause to be raised by taxation in such municipality a sum sufficient to carry out the provisions of this chapter. A county shall appropriate from the county general fund for the purposes of this chapter.

Source: SDC 1939, § 2.0204; SL 1945, ch 5; SL 1985, ch 77, § 33; SL 1992, ch 60, § 2.

50-7-10. Designation of department as agent to receive federal grants and to contract for airport sponsor. The airport sponsor shall may designate the department as the airport sponsor's agent to accept, receive, and receipt for federal grants in the body's behalf for airport purposes, and to contract for the planning, construction, and maintenance of aviation facilities. The airport sponsor may enter into an agreement with the department prescribing the terms and conditions of the agency under this section. The federal grants shall be paid to the airport sponsor under the terms and conditions imposed by the United States government in making the grant.

Source: SDC 1939, § 2.0204 as added by SL 1945, ch 5; SL 1997, ch 16, § 14; SL 2014, ch 222, § 49; SL 2018, ch 269, § 28; SL 2019, ch 203, § 21.

50-7-11. Airport contracts subject to contract laws. Any contract for the planning, construction, and maintenance of any aviation facility, made by the airport sponsor, or through the agency of the department, shall be made in accordance with the laws of this state governing the making of contracts.

Source: SDC 1939, § 2.0204 as added by SL 1945, ch 5; SL 2014, ch 222, § 50; SL 2018, ch 269, § 29; SL 2019, ch 203, § 22

50-7-12. Planning, construction, and maintenance of airport--Leasing and subleasing--Expenses. The airport sponsor that has established an airport and acquired, leased, or set apart real property for purposes of an airport may plan, construct, and maintain the airport, and may lease or sublet the property for airport purposes. The expenses of the planning, construction, and maintenance shall be charged to the appropriate airport sponsor.

Source: SDC 1939, § 2.0205; SL 1945, ch 6; SL 1992, ch 60, § 2; SL 2014, ch 222, § 51; SL 2019, ch 203, § 23..

50-7-13. Administration of existing airports--Creation of airport board. The airport sponsor that has established an airport and acquired, leased, or set apart real property for purposes of an airport may vest jurisdiction for the planning, construction, maintenance, and operation of the airport, in any suitable officer, board, or body of the airport sponsor. The airport sponsor, if a county or municipality, may create by ordinance a board whose sole purpose shall be to improve, regulate, and supervise the operation and management of airport facilities.

Source: SDC 1939, § 2.0205; SL 1945, ch 6; SL 1992, ch 60, § 2; SL 2014, ch 222, § 52; SL 2019, ch 203, § 24.

50-7-14. Charges for use of airport--Approval of governing body. The governmental agency may adopt regulations and establish charges for the use of such airport, or may authorize an officer, board, or body of the governmental agency having jurisdiction to adopt regulations and establish charges, subject, however, to the approval of the governing body before the regulations or charges take effect.

Source: SDC 1939, § 2.0205; SL 1945, ch 6; SL 1992, ch 60, § 2; SL 2014, ch 222, § 53.

50-7-14.1. Maximum liability of municipality for accidents or occurrences. The maximum liability of any municipality operating an airport shall be five million dollars for any accident or occurrence at or in connection with the operation of such airport resulting in bodily injury or death to any person, or damage to property, or any combination thereof.

Source: SL 1969, ch 189.

50-7-15. Cooperative financing agreements. The department, on behalf of the commission, may enter into cooperative agreements with the governing body of a governmental agency, whereby, the initial expenditures ~~-occurring from the aeronautics fund-~~ for making authorized airport improvements may be paid from any aeronautics fund moneys that may be available to the commission and the governmental agency's share of the expenditure may be reimbursed to the

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commission over a period of three years. The reimbursements shall be paid ~~back~~ into the ~~aeronautics fund special aviation internal service fund created by § 50-42-146~~ and used for airport improvement purposes, ~~or shall be paid into the specific fund used to make the initial expenditures.~~ Any governmental agency may enter into a cooperative financing agreement upon the adoption of a resolution authorizing the governing body to enter into the agreement.

Source: SL 1966, ch 4; SL 1992, ch 60, § 2; SL 1997, ch 16, § 15; SL 2014, ch 222, § 54.

50-7-16. Interest on amounts to be reimbursed. The commission shall charge a governmental agency simple interest at the Category A rate of interest established in § 54-3-16 on the amount of money subject to reimbursement under § 50-7-15 from the date of the expenditure to the date of payment.

Source: SL 1966, ch 4; SL 1992, ch 60, § 2; SL 1997, ch 16, § 16; SL 1997, ch 269, § 1; SL 2014, ch 222, § 55.

50-7-17. Department approval required to apply for federal funds--Agent for receipt and disbursement of federal funds. No governmental agency in this state, whether acting alone or jointly with another governmental agency, may submit to the ~~administrator of the F~~ederal ~~a~~Aviation ~~a~~d~~A~~ministration any project application under the provisions of any act of Congress which provides airport planning, construction, and development funds or other funds for the expansion and improvement of the airport system as such act shall pertain to the State of South Dakota, unless the project application has been first approved by the department. No governmental agency may directly receive or disburse any funds granted by the United States under such act, but the governmental agency shall designate the department as its agent to receive and disburse the funds. The governmental agency shall enter into an agreement with the department prescribing the terms and conditions of the agency in accordance with federal laws and regulations and applicable laws of this state. The moneys paid over by the United States government shall be retained by the state or paid over to the governmental agency under such terms and conditions as may be imposed by the United States government making the grant.

Source: SL 1947, ch 4; SDC Supp 1960, § 2.0207; SL 1971, ch 263; SL 1972, ch 252, §§ 1, 2; SL 1997, ch 16, § 17; SL 2014, ch 222, § 56.

50-7-18. Indemnification agreements for federal funds used to purchase lands subject to mineral rights or oil and gas leases. The department may in cases where federal funds are channeled through the department, pursuant to the provisions of § 50-7-17, enter into contracts and agreements binding on this state with the administrator of the ~~F~~ederal ~~a~~Aviation ~~a~~d~~A~~ministration to indemnify the United States for federal funds contributed to the State of South Dakota, or any governmental agency, used for the purchase of land as the site of a public airport or for the construction of airport improvements on the airport within this state where the title to the land is subject to mineral rights or oil and gas leases, the release or subordination of which is determined by the administrator of the ~~F~~ederal ~~a~~Aviation ~~a~~d~~A~~ministration not to be practicable.

Source: SL 1953, ch 5, § 1; SDC Supp 1960, § 2.0208; SL 1997, ch 16, § 18; SL 2014, ch 222, § 57.

50-7-19. Limitations on indemnification agreements. The indemnifying agreements authorized in §§ 50-7-17 and 50-7-18 are limited:

(1) To agreements which obligate the department, acting for and on behalf of the State of South Dakota, to refund to the United States of America as represented by the administrator of the ~~f~~Federal ~~a~~A~~v~~iation ~~a~~A~~d~~ministration, a sum equal to the full amount of federal funds contributed for the purchase of land or construction of airport improvements thereon; or

(2) At the option of the administrator, to provide and construct at state expense and without further contributions by the federal government, an airport facility equivalent to that developed with the aid of federal funds and located as near as practicable to the site of the existing facilities on land with good title satisfactory to the administrator of the ~~f~~Federal ~~a~~A~~v~~iation ~~a~~A~~d~~ministration as prescribed by the provisions of section 9 of the Federal Airport Act (Public Law 377, 79th Congress, 2nd session as amended to January 1, 2014).

Source: SL 1953, ch 5, § 2; SDC Supp 1960, § 2.0209; SL 1997, ch 16, § 19; SL 2014, ch 222, § 58.

CHAPTER 50-8

AIRPORT REVENUE BONDS

[50-8-1](#) Local government airport improvement contracts--Authorization, issuance, and sale of revenue bonds.

[50-8-2](#) Contents of authorizing resolution or ordinance.

[50-8-3](#) Adoption of resolution by airport board--Approval by governing body.

[50-8-4](#) Minimum revenues for issuance of bonds--Items includable in estimated future revenues.

[50-8-5](#) to 50-8-7. Repealed.

[50-8-8](#) Funds available for payment of bonds--Pledge of revenue from future facilities.

[50-8-9](#) Repealed.

[50-8-10](#) Revenues available for operation and maintenance of airport--Taxing power not used to liquidate bonds--Exceptions.

[50-8-11](#) Repealed.

[50-8-12](#) Covenants respecting operation and maintenance of airport.

[50-8-13](#) Default in payment of bonds--Mismanagement of airport--Appointment of receiver for payment of bonds--Restoration of airport to local control.

[50-8-14](#) to 50-8-16. Repealed.

[Repealed or Transferred to Title 6.]

CHAPTER 50-9

AIR NAVIGATION HAZARDS

- [50-9-1](#) Approval required for construction or alteration of certain structures.
[50-9-2](#) Repealed.
[50-9-3](#) Repealed.
[50-9-4](#) Appeal from order of commission--Procedure.
[50-9-5](#) Repealed.
[50-9-6](#) to [50-9-9](#). Repealed.
[50-9-10](#) Conflicting jurisdiction between commission and political subdivision--Superiority of commission--Public hearing.
[50-9-11](#) Repealed.
[50-9-12](#) Repealed.
[50-9-13](#) Required marking of certain anemometer towers--Violation as misdemeanor.

50-9-1. FAA determination of no hazard to be provided to commission before construction or alteration of structure--Violation as misdemeanor. A person or organization that has obtained a Federal Aviation Administration determination of no hazard, shall provide the determination to the commission prior to the start of construction or alteration of any structure that is subject to the jurisdiction of the Federal Aviation Administration.

A violation of this section is a Class 1 misdemeanor.

Source: SL 1953, ch 3, § 1; SDC Supp 1960, § 2.0210; SL 1992, ch 60, § 2; SL 1994, ch 351, § 142; SL 2010, ch 227, § 41; SL 2014, ch 222, § 59; SL 2018, ch 269, § 30; SL 2019, ch 203, § 25.

50-9-2. Repealed by SL 2019.

50-9-3. Repealed by SL 2019.

[50-9-4.](#) Appeal of commission action--Procedure. A person may appeal an action of the commission in accordance with chapter 1-26.

Source: SL 1953, ch 3, § 6; SDC Supp 1960, § 2.0213; SL 2010, ch 227, § 44; SL 2019, ch 203, § 26.

50-9-5. Repealed by SL 2019.

50-9-6 to 50-9-9. Repealed by SL 2014, ch 222, §§ 63 to 66.

50-9-10. Conflicting jurisdiction between commission and political subdivision--Superiority of commission--Public hearing. If conflicting jurisdiction arises over the control of the erection of

Commented [DD3]: Transfer to Ch. 50-2.

a building, structure, tower, or hazard in relation to an airport, airway, or airport facility between the commission and any political subdivision of the state, the commission may overrule, change, modify, or amend zoning rules and regulations adopted by any political subdivision or by any airport zoning board created by a political subdivision under the laws of this state, after a public hearing in which all parties have been given an opportunity to be heard.

Source: SL 1957, ch 2, § 3; SDC Supp 1960, § 2.0217; SL 2010, ch 227, § 50; SL 2018, ch 269, § 31.

50-9-11. Repealed by SL 1983, ch 15, § 184.

50-9-12. Repealed by SL 2018, ch 269, § 38..

50-9-13. Required marking of certain anemometer towers--Violation as misdemeanor. Any anemometer tower that is fifty feet in height above the ground or higher, that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before July 1, 2010 shall be marked as required in this section within one year after July 1, 2010. Any anemometer tower that is erected on or after July 1, 2010 shall be marked as required in this section at the time it is erected. Marking required under this section includes marking the anemometer tower, guy wires, and accessory facilities as follows:

(1) The top one-third of the anemometer tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower;

(2) Two marker balls shall be attached to and evenly spaced on each of the outside guy wires;

(3) Where an anemometer tower has guy wires anchored to the ground, the anchor points shall have a contrasting appearance with any surrounding vegetation. If the adjacent land is grazed, the anchor point shall be fenced. The fenced area shall be an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point; and

(4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.

A violation of this section is a Class 2 misdemeanor.

Source: SL 2010, ch 229, § 2; SL 2018, ch 269, § 32.

CHAPTER 50-10

AIRPORT ZONING

[50-10-1](#) Repealed.

[50-10-2](#) Airport hazards as danger to life and property.

[50-10-2.1](#) Removal of airport hazards as public purpose--Use of public funds.

[50-10-3](#), 50-10-4. Repealed.

[50-10-5](#) Local airport layout plan and zoning regulations--Enforcement.

[50-10-6](#) Division of area into zones with specified restrictions--Conformity to layout plan--Runway protection zones.

[50-10-6.1](#) Commission may withhold funds--Proper zoning required.

[50-10-7](#) Incorporation of approach plan in general zoning regulations.

[50-10-8](#) Local regulations to be consistent with airport layout plan.

[50-10-9](#) Regulations to be reasonable--Preexisting nonconforming structures.

[50-10-10](#) Repealed.

[50-10-11](#) Repealed.

[50-10-12](#) Repealed.

[50-10-13](#) through 50-10-28, Transferred

[50-10-29](#) Violation of regulation, order or ruling as misdemeanor.

[50-10-30](#), 50-10-31. Repealed.

[50-10-32](#) Repealed.

[50-10-33](#) Repealed.

[50-10-34](#) Repealed.

[50-10-35](#) Repealed.

50-10-1. Repealed by SL 2019.

[50-10-2](#). Airport hazard as public nuisance--Prevention. The creation or establishment of an airport hazard is a public nuisance and an injury to the community or the United States served by the airport and shall be prevented in accordance with this chapter.

Source: SL 1943, ch 2, § 2; SDC Supp 1960, § 2.0502; SL 1970, ch 264, § 2; SL 1996, ch 278, § 5; SL 2014, ch 222, § 68; SL 2019, ch 203, § 27.

Commented [DD4]: Transfer to Air Hazards (Ch. 50-9)

[50-10-2.1](#). [Removal of airport hazards as public purpose--Use of public funds](#). It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the political subdivisions may raise and expend public funds and acquire land or property interest therein.

Source: SDCL, § 50-10-2 as added by SL 1970, ch 264, § 2.

Commented [DD5]: Transfer to Air Hazards (Ch. 50-9)

50-10-3, 50-10-4. Repealed by SL 2014, ch 222, §§ 69, 70.

50-10-5. Local airport layout plan and zoning regulations--Enforcement. Each airport sponsor that is a municipality, county, or political subdivision of the state that has an airport layout plan

shall take measures for the protection of airport approaches, and shall adopt, administer, and enforce, under the police power and in the manner and upon the conditions prescribed by this chapter, airport zoning regulations applicable to the area.

Source: SL 1943, ch 2, § 4 (1); SDC Supp 1960, § 2.0504; SL 1965, ch 1; SL 2010, ch 227, § 53; SL 2014, ch 222, § 71; SL 2019, ch 203, § 28.

50-10-6. Division of airport layout into zones with specified restrictions and requirements--Runway protection zone. The regulations required by § 50-10-5 shall divide the airport layout into zones, and, within each zone, specify the land uses permitted, regulate and restrict the height to which structures and ~~trees~~obstructions may be erected or allowed to grow, prohibit the obstruction by lights, smoke, electronic devices, or any other means, of the safe operation of aircraft near airports, and impose other restrictions and requirements as may be necessary for the protection of the airport. The existing and ultimate runway protection zone as depicted on the airport layout plan shall be zoned to exclude homes and structures that constitute a concentration of people.

Source: SL 1943, ch 2, § 4 (1); SDC Supp 1960, § 2.0504; SL 1965, ch 1; SL 1979, ch 320; SL 2010, ch 227, § 54; SL 2014, ch 222, § 72; SL 2019, ch 203, § 29.

50-10-6.1. Commission may withhold funds--Proper zoning required. If the local zoning authority does not require compliance with the requirements for proper zoning at an airport pursuant to § 50-10-6, the commission may withhold future funding.

Source: SL 2014, ch 222, § 73.

50-10-7. Incorporation of approach plan in general zoning regulations. If a political subdivision adopts a general zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations adopted for the same area or portion thereof under this chapter, may be incorporated in and made a part of such general zoning regulations, and be administered and enforced. However, no general zoning regulations may limit the effectiveness or scope of the rules promulgated pursuant to this chapter.

Source: SL 1943, ch 2, § 4 (2); SDC Supp 1960, § 2.0505; SL 2010, ch 227, § 55.

50-10-8. Local regulations to be consistent with airport layout plan. Any zoning or other regulations shall be consistent with an airport layout plan. Measures shall be taken for the protection of airport approaches, including not only any airport zoning regulations adopted under this chapter but any zoning or other regulations dealing with the same or similar matters, that have been or may be adopted under authority other than that conferred by this chapter, and shall be consistent with, and conform to, the airport layout plan for such area. The regulations shall be amended as may be necessary to conform to any revision of the airport layout plan.

Source: SL 1943, ch 2, § 4 (3); SDC Supp 1960, § 2.0506; SL 2010, ch 227, § 56; SL 2014, ch 222, § 74.

50-10-9. Regulations to be reasonable--Preexisting nonconforming structures. No airport zoning regulation adopted under this chapter may be unreasonable. No regulation may require the removal, lowering, or other change or alteration of any structure or ~~tree~~obstruction not conforming to the regulation when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in § 50-10-28.

Source: SL 1943, ch 2, § 4 (4); SDC Supp 1960, § 2.0507; SL 2010, ch 227, § 57.

50-10-10. Repealed by SL 2019.

50-10-11. Repealed by SL 2019.

50-10-12. Repealed by SL 2019.

50-10-13. through 5-10-28 transferred to Title 11.

50-10-29. Violation of regulation, order or ruling as misdemeanor. A violation of any regulation, order, or ruling promulgated or made pursuant to this chapter, is a Class 1 misdemeanor.

Source: SL 1943, ch 2, § 8; SDC Supp 1960, § 2.9908; SL 1983, ch 15, § 185.

50-10-30, 50-10-31. Repealed by SL 2010, ch 227, §§ 66, 67.

50-10-32. Repealed by SL 2019.

50-10-33. Repealed by SL 2018, ch 269, § 39.

50-10-34. Repealed by SL 2019.

50-10-35. Repealed by SL 2019.

REGISTRATION AND LICENSING OF AIRCRAFT AND PILOTS

[50-11-1](#) to 50-11-4. Repealed.

[50-11-5](#) Posting of aircraft registration certificate--Decal--Violation as misdemeanor.

[50-11-6](#) Repealed.

[50-11-7](#) Repealed.

[50-11-8](#) Repealed.

[50-11-9](#) Application for registration of aircraft--Failure to register as misdemeanor--False statement as felony.

[50-11-9.1](#) Repealed.

[50-11-10](#) Repealed.

[50-11-11](#) Expiration of registration.

[50-11-12](#) Schedule of registration fees--Nonpayment as misdemeanor.

[50-11-13](#) Repealed.

[50-11-14](#) Fees--Aircraft more than ten years old.

[50-11-15](#) Fees--Part-year registration.

[50-11-16](#) Payment of delinquent fees and taxes prerequisite to registration.

[50-11-17](#) Fees--Minimum registration fee.

[50-11-18](#) Repealed.

[50-11-19](#) Additional tax for original registration--Nonpayment as misdemeanor--Civil penalty.

[50-11-19.1](#) Purchase price defined.

[50-11-19.2](#) Rate of additional tax on sale of aircraft held under use stamp or dealer certificate or conversion to dealer's own use.

[50-11-19.3](#) Registration tax credit for sales and use taxes paid on homebuilt aircraft--Proof of eligibility.

[50-11-19.4](#) Transfer of amount of credit to aeronautics fund.

[50-11-20](#) Aircraft to which additional tax applies--Exceptions and exemptions.

[50-11-21](#) Assessment and collection of additional tax.

[50-11-21.1](#) Jeopardy assessment of additional tax--Lien--Distress warrant--Bond.

[50-11-21.2](#) Lien for tax or penalty.

[50-11-21.3](#) Repealed.

[50-11-22](#) Sale or transfer of aircraft--Transferor's endorsement of registration and notice to department--Time limits--Violation as misdemeanor or felony.

[50-11-23](#) Transferee's application for certificate of registration--Time limits--Violation as misdemeanor or felony.

[50-11-24](#) Repealed.

[50-11-25](#) Exceptions to state registration requirements--Government aircraft.

[50-11-26](#) Exceptions to state registration requirements--Military aircraft.

[50-11-27](#) Exemption of nonresidents from local registration for noncommercial activities--Failure to register after ninety days as misdemeanor.

[50-11-28](#) Exceptions from local registration requirements--Interstate or foreign commerce.

[50-11-29](#) Exceptions to state registration requirements.

[50-11-30](#) Repealed.
[50-11-31](#) Repealed.
[50-11-32](#) Repealed.
[50-11-33](#) Forgery or alteration of certificate or permit as felony.
[50-11-34](#) Repealed.
[50-11-35](#) Application of original registration tax to leased aircraft.
[50-11-36](#) Repealed.

50-11-1 to 50-11-4. Repealed by SL 2014, ch 222, §§ 77 to 80.

50-11-5. Posting of aircraft registration certificate--Decal--Violation as misdemeanor. The aircraft registration certificate shall at all times be conspicuously posted within the aircraft so as to be readily seen by passengers and inspectors. The department shall provide a decal bearing the same identification number as the registration certificate. The aircraft owner shall display the decal in a location easily visible from the right outside of the aircraft. A violation of this section is a Class 2 misdemeanor.

Source: SDC 1939, § 2.0104; SL 1983, ch 15, § 188; SL 1993, ch 348, § 4; SL 2014, ch 222, § 81.

50-11-6. Repealed by SL 2019.

50-11-7. Repealed by SL 2014, ch 222, § 83.

50-11-8. Repealed by SL 2019.

50-11-9. Application for registration of aircraft--Failure to register as misdemeanor--False statement as felony. The owner or lessee of an aircraft to be operated within this state shall, except as otherwise expressly provided, file with the department on a form furnished by the department, an application for registration of the aircraft. A person who fails to register an aircraft within thirty days after it is operated in this state is guilty of a Class 2 misdemeanor. A person who knowingly makes a false statement of a material fact in the application is guilty of a Class 5 felony. This section does not apply to any sUAS.

Source: SDC 1939, § 2.0402 as enacted by SL 1949, ch 4, § 2; SL 1966, ch 1, § 1; SL 1983, ch 15, § 191; SL 1985, ch 379, § 1; SL 1993, ch 348, § 8; SL 2010, ch 227, § 72; SL 2014, ch 222, § 85; SL 2014, ch 223, § 1; SL 2019, ch 203, § 32..

50-11-9.1. Repealed by SL 2019.

50-11-10. Repealed by SL 2019.

50-11-11. Expiration of registration. Aircraft registration required by this chapter expires on the thirty-first day of March following the calendar year in which the registration is made.

Source: SDC 1939, § 2.0404 as enacted by SL 1949, ch 4, § 2; SL 1966, ch 1, § 3; SL 1993, ch 348, § 9; SL 2004, ch 288, § 2.

50-11-12. Schedule of registration fees--Nonpayment as misdemeanor. There shall be paid to the secretary of transportation at the time of the registration of an aircraft an annual registration fee for each such aircraft based upon its maximum permissible take-off weight to be computed as follows:

Weight in Pounds	Rate
0 _ 1,500	\$ 25
1,501 _ 2,000	40
2,001 _ 3,000	55
3,001 _ 4,000	70
4,001 _ 5,000	85
5,001 _ 6,000	100
6,001 _ 10,000	125
10,001 _ 12,499	150
12,500 _ 15,000	200
15,001 and over	300

The fees in this section are subject to the provisions of §§ 50-11-14 to 50-11-17, inclusive. Failure to pay the fees is a Class 2 misdemeanor.

Source: SDC 1939, §§ 2.0405, 2.0407 as enacted by SL 1949, ch 4, § 2; SL 1983, ch 15, § 192; SL 1985, ch 379, § 2; SL 1993, ch 348, § 10.

50-11-13. Repealed by SL 1993, ch 348, § 10.

50-11-14. Fees--Aircraft more than ten years old. If any aircraft, according to the manufacturer's records as to date of manufacture, was ten years old or more on January first of the year for which registration and fee is required, the fee required by § 50-11-12 shall be one-half of the fee ordinarily prescribed.

Source: SDC 1939, § 2.0407 (1) (b) as enacted by SL 1949, ch 4, § 2; SL 1993, ch 348, § 10B.

50-11-15. Fees--Part-year registration. The fee for registering any theretofore unregistered aircraft purchased on or after July first of any year shall be one-half the amount prescribed by § 50-11-12 and, as to such aircraft purchased on or after October first of any year, one-fourth of such prescribed amount.

Source: SDC 1939, § 2.0407 (2) as enacted by SL 1949, ch 4, § 2.

50-11-16. Payment of delinquent fees and taxes prerequisite to registration. The department may not approve an application for any aircraft which should have been previously registered or taxed under the laws of this state, without collecting all past-due registration fees or taxes.

Source: SDC 1939, § 2.0407 (3) as enacted by SL 1949, ch 4, § 2; SL 1966, ch 1, § 4; SL 1983, ch 15, § 193; SL 1985, ch 379, § 4; SL 2014, ch 222, § 87.

50-11-17. Fees--Minimum registration fee. No aircraft may be registered for an annual registration, or any part thereof, for a fee of less than ten dollars.

Source: SDC 1939, § 2.0407 (4) as enacted by SL 1949, ch 4, § 2; SL 1993, ch 348, § 11.

50-11-18. Repealed by SL 2010, ch 227, § 74.

50-11-19. Additional tax for original registration--Nonpayment as misdemeanor--Civil penalty. In addition to all other registration fees paid to the department, an additional original registration tax of four percent, based upon the purchase price of the aircraft, shall be paid to the department, along with the application for the original registration of an aircraft. For an initial registration of aircraft manufactured and used exclusively for agricultural purposes, the registration tax under this section is three percent.

Aircraft subject to the tax imposed by this chapter are exempt from taxes imposed by chapters 10-45 and 10-46. Aircraft used under a use stamp or dealer certificate, or engaged in regularly scheduled flying consisting of an act of interstate or foreign commerce, are exempt from the taxes imposed by chapters 10-45 and 10-46.

Failure to pay the registration tax under this section within thirty days after an aircraft is operated in this state is a Class 2 misdemeanor. Failure to pay the registration tax within ninety days of the due date shall result in a civil penalty of one-half percent of the tax due for each month, or portion of the month, until the tax is paid in accordance with this chapter, not to exceed five percent of the tax due. A civil penalty imposed under this section shall be deposited into the aeronautics fund.

Source: SDC 1939, § 2.0408 as enacted by SL 1949, ch 4, § 2; SL 1966, ch 1, § 5; SL 1973, ch 62, § 2; SL 1982, ch 112, § 2; SL 1983, ch 15, § 198; SL 1985, ch 379, § 3; SL 1987, ch 357, § 1; SL 1993, ch 348, § 12; SL 2014, ch 224, § 1; SL 2019, ch 203, § 33.

50-11-19.1. Purchase price defined. For the purposes of this chapter, the purchase price is:

(1) For an aircraft purchase, sale, or transfer, the total consideration for the aircraft whether received in money or otherwise less the value of any aircraft taken by the seller as trade, if the aircraft traded was registered in South Dakota. The purchaser of the aircraft shall submit to the department an application for original registration supplied by the department. If no proof of purchase price is provided, the price shall be the current fair market value of the aircraft at the time of registration less the value of any South Dakota registered aircraft taken by the seller in trade;

(2) For an aircraft acquired by gift, bequest, purchase, or transfer for a nominal consideration, the price shall be considered to be the current fair market value of the aircraft at the time registration is due;

(3) For an aircraft manufactured by any person other than a bona fide manufacturer, commonly referred to as, homebuilt, the amount expended for materials and other properly allocable costs of manufacture or in the absence of actual expenditures for the manufacture of a part or all of the aircraft, the reasonable value of the completed aircraft based on current fair market value; and

(4) For a rebuilt aircraft, upon its initial registration, the total consideration for the salvage aircraft, the amount expended for materials and other properly allocable costs to repair the aircraft to an airworthy condition, whether received in money or otherwise. In the absence of actual expenditures for the reconstruction of the aircraft, the market value of the aircraft at the time registration is due based on current fair market value.

Source: SL 1982, ch 112, § 4; SL 1993, ch 348, § 13; SL 2014, ch 222, § 88.

50-11-19.2. Rate of additional tax on sale of aircraft held under use stamp or dealer certificate or conversion to dealer's own use. The additional original registration tax on the sale of aircraft held by a licensed aircraft dealer under a use stamp or dealer certificate is at the rate specified in § 50-11-19 on the purchase price at the time the aircraft is sold. If a licensed aircraft dealer converts aircraft held under a use stamp or dealer certificate to the dealer's own use, the additional original registration tax is paid by the dealer at the rate specified in § 50-11-19 on the current fair market value of the aircraft.

Source: SL 1982, ch 112, § 3; SL 2010, ch 227, § 75.

50-11-19.3. Registration tax credit for sales and use taxes paid on homebuilt aircraft--Proof of eligibility. When determining the amount of the registration tax imposed by § 50-11-19 on homebuilt aircraft, a credit for South Dakota sales tax and South Dakota use tax that was paid by the applicant on any purchase of aircraft kits, engines, instruments, and other parts and components used in the construction of the homebuilt aircraft is permitted. The applicant shall provide proof of the South Dakota sales tax and the South Dakota use tax that was paid by the applicant and is eligible for credit by providing any invoice, receipt, or other document that shows the payment of South Dakota sales tax and South Dakota use tax. The amount of the credit permitted by this section may not be greater than the registration tax imposed by § 50-11-19 on the homebuilt aircraft. No credit is permitted for any South Dakota sales tax or South Dakota use tax that was

paid more than five years before the date of the application for registration of the homebuilt aircraft.

Source: SL 2014, ch 225, § 1.

50-11-19.4. Transfer of amount of credit to aeronautics fund. The department shall inform the Department of Revenue of the amount of credit granted under § 50-11-19.3 on a quarterly basis. The Department of Revenue shall transfer to the department, for deposit into the aeronautics fund, the amount of credit granted under § 50-11-19.3. Transfers to the aeronautics fund shall be made on a quarterly basis.

Source: SL 2014, ch 225, § 2.

50-11-20. Aircraft to which additional tax applies--Exceptions and exemptions. The provisions of § 50-11-19 apply to all aircraft not previously registered in this state, except:

(1) Aircraft, owned by a person coming into this state from another state for the purpose of making the person's home within this state, and registered in the other state, are exempt from the additional original registration tax of this state to the extent of a similar additional original registration tax previously paid in the other state upon the purchase price of the aircraft. However, this exception applies only to the extent that under the law of the state of the person's residence like exemptions and privileges are granted to aircraft duly registered under the laws and owned by the residents of this state;

(2) Aircraft purchased by a resident of this state upon which the original registration tax of this state has previously been paid;

(3) Aircraft duly registered and certificated under chapter 50-12; or

(4) Aircraft owned or leased by a person coming into this state for the purposes of seasonally operating the person's aircraft licensed and operating pursuant to § 38-21-20 or applying commercial fertilizer, and if the aircraft has been duly registered or licensed in such other state, are exempt from the additional registration tax. However, this exception applies only to the extent that under the law of the state of such person's residence like exemptions and privileges are granted to aircraft duly registered under laws and owned by the residents of this state.

Source: SDC 1939, § 2.0408 as enacted by SL 1949, ch 4, § 2; SL 1966, ch 1, § 5; SL 1969, ch 1; SL 1973, ch 289; SL 1993, ch 348, § 15; SL 2010, ch 227, § 76; SL 2014, ch 222, § 89.

50-11-21. Assessment and collection of additional tax. The commission may prescribe forms and promulgate rules pursuant to chapter 1-26 for the ascertainment, assessment, collection, or return of the additional original registration tax imposed by § 50-11-19. Upon receipt of the original registration tax the department shall pay it to the state treasurer to be credited to the aeronautics fund.

Source: SDC 1939, § 2.0408 as enacted by SL 1949, ch 4, § 2; SL 1966, ch 1, § 5; SL 1984, ch 311, § 2; SL 1987, ch 356, § 15; SL 2014, ch 222, § 90.

50-11-21.1. Jeopardy assessment of additional tax--Lien--Distress warrant--Bond. If the department believes that the assessment or collection of taxes is jeopardized by delay, the department may immediately make an assessment of the estimated tax and penalty and demand payment from the taxpayer. If the payment is not made, a lien may be filed and a distress warrant issued as provided in chapter 10-56. The department may accept a bond from the taxpayer to satisfy collection until the amount of tax legally due is determined and paid.

Source: SL 1983, ch 103, § 3; SL 2010, ch 227, § 77.

50-11-21.2. Lien for tax or penalty. Any tax or penalty due the state from a taxpayer is a lien in favor of the State of South Dakota upon all property and rights to property, whether real or personal, belonging to the taxpayer. In order to preserve the lien against subsequent mortgages, purchasers, or judgment creditors for value and without notice of the lien, on any property situated in a county, the department may file with the register of deeds of the county, in which the property is located, a notice of the lien in such form as the department elects.

Source: SL 1983, ch 103, § 4; SL 2010, ch 227, § 78.

50-11-21.3. Repealed by SL 1993, ch 348 § 16.

50-11-22. Sale or transfer of aircraft--Transferor's endorsement of registration and notice to department--Time limits--Violation as misdemeanor or felony. If an aircraft registered under this chapter is sold or transferred, the person in whose name the aircraft is registered shall complete and sign the endorsement on the back of the certificate of registration as prescribed by the department and shall, within seven working days, forward to the department by mail a notice of the sale or transfer including the date and place of the sale or transfer, and the name and address of the purchaser or transferee. A violation of this section is a Class 2 misdemeanor. A person who knowingly makes a false statement of a material fact in the certificate of registration is guilty of a Class 5 felony.

Source: SDC 1939, § 2.0409 as enacted by SL 1949, ch 4, § 2; SL 1966, ch 1, § 6; SL 1983, ch 15, § 194; SL 1993, ch 348, § 17; SL 2010, ch 227, § 79; SL 2014, ch 222, § 91; SL 2014, ch 223, § 2; SL 2019, ch 203, § 35.

50-11-23. Transferee's application for certificate of registration--Time limits--Violation as misdemeanor or felony. The purchaser or transferee under § 50-11-22 shall, within sixty days, apply to the department for the transfer of the registration of the aircraft to the purchaser's or transferee's name and the issuance of a new certificate of registration. A violation of this section is a Class 2 misdemeanor. A person who knowingly makes a false statement of a material fact in the application is guilty of a Class 5 felony.

The endorsed certificate of registration is void sixty days after the date of the sale or transfer of the aircraft.

Source: SDC 1939, § 2.0409 as enacted by SL 1949, ch 4, § 2; SL 1966, ch 1, § 6; SL 1983, ch 15, § 195; SL 1993, ch 348, § 18; SL 2010, ch 227, § 80; SL 2014, ch 222, § 92; SL 2014, ch 223, § 3; SL 2019, ch 203, § 36.

50-11-24. Repealed by SL 2004, ch 288, § 3.

50-11-25. Exceptions to state registration requirements--Government aircraft. This chapter does not apply to any aircraft and person operating an aircraft that is owned by or used exclusively in the service of the United States, any state or political subdivision of the state, territory, possession of the United States, or the District of Columbia, and that is not engaged in carrying persons or property for commercial purposes.

Source: SDC 1939, § 2.0411 (1) as enacted by SL 1949, ch 4, § 2; SL 2010, ch 227, § 81; SL 2019, ch 203, § 37.

50-11-26. Exceptions to state registration requirements--Military aircraft. This chapter does not apply to military aircraft and personnel of the United States government, or any aircraft and personnel licensed by a foreign country with which the United States has reciprocal relations, if the aircraft and personnel are not engaged in any intrastate commercial activity within this state.

Source: SDC 1939, § 2.0411 (2) as enacted by SL 1949, ch 4, § 2; SL 2010, ch 227, § 82; SL 2019, ch 203, § 38.

50-11-27. Exemption of nonresidents from state registration for noncommercial activities--Failure to register after ninety days as misdemeanor. Any aircraft of any resident of another state, and any nonresident person, having complied with the registration requirements of that state, may be operated or operate within this state for a period of not more than ninety days in any one year without complying with this chapter if the aircraft or person is not engaged in any intrastate commercial activity within this state, and that under the laws of the state of the person's residence, like exemptions and privileges are granted to aircraft owned by residents of this state and resident persons of this state duly registered under the laws of this state. A nonresident under this section is a person who has not resided within this state for a period of ninety days. Failure to register after ninety days is a Class 1 misdemeanor.

Source: SDC 1939, § 2.0411 (3) as enacted by SL 1949, ch 4, § 2; SL 1983, ch 15, § 197; SL 2019, ch 203, § 39.

50-11-28. Exceptions to state registration requirements--Interstate or foreign commerce. This chapter does not apply to any aircraft, or person operating an aircraft, which is engaged in regularly scheduled flying constituting an act of interstate or foreign commerce.

Source: SDC 1939, § 2.0411 (4) as enacted by SL 1949, ch 4, § 2; SL 1983, ch 353, § 1; SL 2019, ch 203, § 40.

50-11-29. Exceptions to state registration requirements--Model aircraft, balloons, gliders, or sUAS. This chapter does not apply to any person operating model aircraft, balloons, gliders, or sUAS.

Source: SDC 1939, § 2.0411 (5) as enacted by SL 1949, ch 4, § 2; SL 2010, ch 227, § 83; SL 2018, ch 269, § 36; SL 2019, ch 203, § 41.

50-11-30. Repealed by SL 2019.

50-11-31. Repealed by SL 2019.

50-11-32. Repealed by SL 1983, ch 15, § 200.

50-11-33. Forgery or alteration of certificate or permit as felony. A person is guilty of a Class 5 felony if the person alters, forges, or causes to be altered or forged, a certificate of registration or permit issued under this chapter, or an assignment or endorsement of a certificate of registration or permit, or to hold or use a certificate, assignment, or endorsement knowing it has been altered or forged.

Source: SDC 1939, § 2.0499 as enacted by SL 1949, ch 4, § 2; SDC Supp 1960, § 2.9906; SL 1983, ch 15, § 201; SL 2019, ch 203, § 42.

50-11-34. Repealed by SL 1983, ch 15, § 202.

50-11-35. Application of original registration tax to leased aircraft. For aircraft leased for thirty-six calendar months or less, the original registration tax of four percent, as required under § 50-11-19, applies only to the scheduled lease payments, excluding fuel, routine maintenance, insurance, and crew, and shall be paid by the lessee at the time payments are made to the lessor. For aircraft leased for more than thirty-six calendar months, by multiple short-term agreements or a long-term agreement, the original registration tax under § 50-11-19 shall be assessed on the market value of the aircraft at the time registration is due as stated in the aircraft bluebook and price digest. The original registration tax shall be paid by the owner of the aircraft. A copy of the lease agreement shall be provided to the department with the application for registration. If the lessee purchases the aircraft during the lease, any amount paid to the department for registration taxes under this chapter shall be credited to taxes required under § 50-11-19. The annual registration fee required under §§ 50-11-12 and 50-11-14 applies for each aircraft under lease.

Source: SL 1993, ch 348, § 14; SL 2019, ch 203, § 43.

50-11-36. Repealed by SL 2014, ch 222, § 94.

CHAPTER 50-12

AIRCRAFT DEALERS

- [50-12-1](#) Repealed.
 - [50-12-2](#) Application for aircraft dealer's license--Contents.
 - [50-12-3](#) Issuance of license--Display--Violation as misdemeanor.
 - [50-12-4](#) Dealer's license as applicable to aircraft in stock.
 - [50-12-5](#) Permissible uses of aircraft under dealer's license--Violation as misdemeanor.
 - [50-12-6](#) Repealed.
 - [50-12-7](#) Transfer of aircraft to new owner--Delivery of certificate to department--Violation as misdemeanor--Civil penalty.
 - [50-12-8](#) Dealer's commercial use stamp--Fee--Permissible uses under stamp--Violation as misdemeanor--Expiration of stamp.
 - [50-12-9](#) Maximum duration of licensing under commercial use stamp.
 - [50-12-10](#) Display of certificate and stamp--Possession of aircraft--Violation as misdemeanor.
 - [50-12-11](#) Repealed.
 - [50-12-12](#) Fee for dealer's license--Fee for additional dealer's certificates--Fee for additional commercial use stamps--Receipt for and disposition of fees.
 - [50-12-13](#) Expiration of license, certificate, and stamp.
 - [50-12-14](#) Renewal of dealer's license--Verification of aircraft sold--Fees.
 - [50-12-15](#) Repealed.
 - [50-12-16](#) Refusal, suspension, or revocation of dealer's license--Grounds.
 - [50-12-17](#) Hearing on revocation, suspension, or nonrenewal--Notice of hearing--Appeal.
 - [50-12-18](#) Return of fees upon refusal to issue license--Statement of reasons for refusal--Appeal.
 - [50-12-19](#) Repealed.
 - [50-12-20](#) Promulgation of rules.
 - [50-12-21](#) Repealed.
 - [50-12-22](#) Inspection of dealer's records.
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50-12-1. Repealed by SL 2019.

50-12-2. Application for aircraft dealer's license--Contents. Any person desiring to sell or solicit as a dealer the sale of aircraft within South Dakota shall apply for an aircraft dealer's license to the department. For the original application the person shall possess one or more aircraft under

normal registration. The application shall be made in writing on a form furnished by the department and shall contain the following information:

(1) The name and physical address of the aircraft dealer;

(2) The physical address of each owner, director, or principal officer of such aircraft dealer. If the applicant is a foreign corporation, the application shall designate the state of incorporation, and the post office address of the registered office and registered agent of such corporation in South Dakota. Evidence shall be furnished showing that the foreign corporation has been granted authority to do business in South Dakota by the secretary of state. If the applicant is a foreign person or partnership, the application shall set forth the permanent business address in the foreign state; and

(3) Whether the applicant has previously been an aircraft dealer in South Dakota, and if so, the number of aircraft the applicant has sold within a period of twenty-four months preceding the date of the application.

Source: SDC 1939, § 2.0702 as enacted by SL 1966, ch 1, § 9; SL 1980, ch 330, § 2; SL 2010, ch 227, § 84; SL 2014, ch 222, § 96.

50-12-3. Issuance of license--Display--Violation as misdemeanor. Upon determining that the applicant is entitled to a license, the department shall assign to the applicant a distinctive aircraft dealer license number, and issue the applicant the required number of dealer's certificates bearing the license number. Each licensed dealer shall display the license in a conspicuous place in the dealer's established place of business. Failure to display the license is a Class 2 misdemeanor.

Source: SDC 1939, § 2.0703 as enacted by SL 1966, ch 1, § 9; SL 1983, ch 15, § 203; SL 2010, ch 227, § 85; SL 2014, ch 222, § 97.

50-12-3.1. Place of business--Branch office or subagency. An aircraft dealer's place of business shall have a business name, and the telephone listing shall indicate the business is an aircraft-related place of business. The structure of an aircraft dealer's place of business shall be used primarily as a place of business for the sale or commercial use of aircraft.

A licensed aircraft dealer may maintain a branch office or subagency in more than one location in this state, if the dealer obtains a separate license for each location. Each application for a branch office or subagency at any location other than the principal place of business shall be submitted in accordance with § 50-12-2.

Source: SL 2019, ch 203, § 44.

50-12-4. Dealer's license as applicable to aircraft in stock. During such times as any aircraft is held by a licensed dealer for sale, exchange, delivery, test, or demonstration purposes, and solely as stock in trade of the dealer's business, an aircraft dealer's certificate may be used in said aircraft in lieu of any registration certificate, or sales, excise or other state tax as required by the laws of this state.

Source: SDC 1939, § 2.0704 as enacted by SL 1966, ch 1, § 9.

50-12-5. Permissible uses of dealer's certificate--Violation as misdemeanor. A dealer's certificate issued under this chapter may be used only by a licensed aircraft dealer for aircraft owned or controlled by the dealer for the purposes of sale, resale, or flight instruction without charge. Use of a certificate for any purpose other than as permitted under this section is a Class 2 misdemeanor.

Source: SDC 1939, § 2.0704 as enacted by SL 1966, ch 1, § 9; SL 1983, ch 15, § 204; SL 2010, ch 227, § 86; SL 2019, ch 203, § 45.

50-12-6. Repealed by SL 2019.

50-12-7. Transfer of aircraft to new owner--Delivery of certificate to department--Violation as misdemeanor--Civil penalty. Upon the sale of any aircraft bearing an aircraft dealer's certificate, the dealer shall comply with §§ 50-11-22 and 50-11-23. If possession of an aircraft is transferred to a new owner, the dealer shall deliver the aircraft dealer's certificate and sales affidavit to the department. The department shall hold the certificate until an application is received from the dealer for transfer to another aircraft. Any person who makes a false statement of a material fact on a sales affidavit under this section is guilty of a Class 1 misdemeanor. Failure to report aircraft purchases and sales as required under this chapter is punishable by a civil penalty equal to the annual registration fee as provided in § 50-11-12. A civil penalty imposed under this section shall be deposited into the aeronautics fund.

Source: SDC 1939, § 2.0704 as enacted by SL 1966, ch 1, § 9; SL 1993, ch 349, § 2; SL 2010, ch 227, § 87; SL 2019, ch 203, § 46.

50-12-8. Dealer's commercial use stamp--Fee--Permissible uses under stamp--Violation as misdemeanor--Expiration of stamp. Upon application in writing on a form furnished by the department and the payment of a fee of one hundred dollars for each aircraft to be so used, the department shall furnish a dealer with a commercial use stamp upon which is printed the federal aircraft registration number (N, X, etc.). The stamp shall be affixed to the aircraft dealer's certificate as directed by the department. The stamp authorizes the aircraft to be used for aviation commercial purposes, but not for spraying, dusting, fertilizing, seeding, or defoliating. Use of the aircraft for prohibited purposes is a Class 2 misdemeanor.

The commercial use stamp shall expire twenty-four months following its issuance or at the expiration of the dealer certificate to which it is affixed, whichever occurs first.

Source: SDC 1939, § 2.0705 as enacted by SL 1966, ch 1, § 9; SL 1980, ch 330, § 4; SL 1983, ch 15, § 205; SL 1993, ch 349, § 3; SL 2010, ch 227, § 88.

50-12-9. Registration of aircraft under §§ 50-11-12 and 50-11-19. Any aircraft subject to registration under an aircraft dealer's certificate for a period exceeding twenty-four months shall be registered in accordance with §§ 50-11-12 and 50-11-19.

Source: SDC 1939, § 2.0705 as enacted by SL 1966, ch 1, § 9; SL 1980, ch 330, § 5; SL 2010, ch 227, § 89; SL 2019, ch 203, § 47.

50-12-10. Display of certificate and stamp--Possession of aircraft--Violation as misdemeanor. The aircraft dealer's certificate and commercial use stamp shall at all times be conspicuously carried and displayed in the aircraft subject to such certificate and commercial use stamp. The aircraft if so licensed shall remain in the possession of or under the control of the licensed aircraft dealer. A violation of this section is a Class 2 misdemeanor.

Source: SDC 1939, § 2.0705 as enacted by SL 1966, ch 1, § 9; SL 1983, ch 15, § 206; SL 2010, ch 227, § 90.

50-12-11. Repealed by SL 2019.

50-12-12. Fee for dealer's license--Fee for additional dealer's certificates--Fee for additional commercial use stamps--Receipt for and disposition of fees. The fee for an aircraft dealer's license is two hundred dollars for two calendar years or any fraction thereof. The fee shall accompany the application for the issuance or renewal of an aircraft dealer's license.

The fee for additional aircraft dealer's certificates is five dollars each. The fee for each additional commercial use stamp is one hundred dollars.

The Department of Transportation shall issue an appropriate receipt for all fees collected to the person paying it, and shall remit all fees to the state treasurer to be credited to the aeronautics fund of the state.

Source: SDC 1939, § 2.0707 as enacted by SL 1966, ch 1, § 9; SL 1980, ch 330, § 7; SL 1984, ch 311, § 3.

50-12-13. Expiration of license and commercial use stamp. The aircraft dealer's license as provided by § 50-12-3 expires on the thirty-first day of January of the second year next succeeding the calendar year in which it was issued. The commercial use stamps as provided by § 50-12-8 expire twenty-four months after they are issued, if a valid dealer's license is in effect. The commercial use stamp expires automatically if the aircraft dealer's license expires or the aircraft dealer no longer holds a valid aircraft dealer's license.

Source: SDC 1939, § 2.0707 as enacted by SL 1966, ch 1, § 9; SL 1980, ch 330, § 8; SL 2010, ch 227, § 92; SL 2019, ch 203, § 48.

50-12-14. Renewal of dealer's license--Verification of aircraft sold--Fees. Each licensed dealer on or before February first of the second year shall make application for the renewal of the dealer's license. The dealer shall verify having sold or brokered at least six aircraft within the past twenty-four calendar months. However, any dealer not meeting the requirements of this section may appeal to the commission for renewal of a dealer's license if the dealer can demonstrate reasonable cause for not meeting those requirements. The fee for the renewal of license is the same as that required for an original license. Upon failure to make application for the renewal of the license, and to pay the renewal fee on or before the first day of February of the second year, an additional fee of ten dollars per month, or any fraction thereof, is required before the license shall be issued.

A former dealer may make an application for an original aircraft dealer's license after thirty-six months from the expiration date of the dealer's license.

Source: SDC 1939, § 2.0708 as enacted by SL 1966, ch 1, § 9; SL 1980, ch 330, § 9; SL 1993, ch 349, § 4; SL 2010, ch 227, § 93.

50-12-15. Repealed by SL 2019.

50-12-16. Refusal, suspension, or revocation of dealer's license--Grounds. The department may refuse to issue or renew, or may suspend or revoke, an aircraft dealer's license if the department has reasonable grounds to believe that the dealer has:

- (1) Forged or altered any federal certificate, permit, rating, or license, relating to ownership or airworthiness of an aircraft;
- (2) Sold or disposed of an aircraft which the dealer knows or has reason to know has been stolen or appropriated without the consent of the true owner;
- (3) Willfully misrepresented any material fact in the application for an aircraft dealer's license;
- (4) Willfully withheld or caused to be withheld from a purchaser any document required by the laws of this state, including an affidavit to the effect that there are no liens, mortgages, or encumbrances of any kind on the aircraft other than those noted thereon, if the document or affidavit has been requested by the purchaser;
- (5) Used an aircraft dealer's certificate or a commercial use stamp for any purpose other than those permitted by this chapter, or used any such certificate or commercial use stamp after it has expired;
- (6) Failed to keep and make available for inspection by the department a proper record of all aircraft bought and sold;
- (7) Willfully refused to apply for or pay the fee for a renewal license after an issued dealer's license has expired;
- (8) Failed to maintain an established place of business as required by this chapter;
- (9) Maintained a branch office or subagency for the sale or soliciting of sales of aircraft without applying for and receiving a license for such branch office or subagency;
- (10) Been refused a license, or had a license revoked by the licensing agencies for aircraft in this or any other state;

- (11) Failed to register on or prior to certificate or commercial use stamp expiration date;
- (12) Failed to renew license as required;
- (13) Failed to notify the department upon sale of aircraft;
- (14) Failed to promptly notify the department of an aircraft and place it on a certificate or use stamp or both; or
- (15) Any other violation of this chapter or chapter 50-11 referenced in this chapter.

Source: SDC 1939, § 2.0710 as enacted by SL 1966, ch 1, § 9; SL 1980, ch 330, § 10; SL 1983, ch 354, § 1; SL 1993, ch 349, § 5; SL 2010, ch 227, § 95; SL 2014, ch 222, § 100.

50-12-17. Hearing on revocation, suspension, or nonrenewal--Notice of hearing--Appeal. No license may be revoked or suspended, nor may the renewal of any license be refused until after a hearing by the commission, of which the licensee has ten days' notice of the time and place of the hearing. If any license is revoked or suspended, or its renewal is refused, the person affected by the order may appeal the decision as provided in chapter 1-26.

Source: SDC 1939, § 2.0710 as enacted by SL 1966, ch 1, § 9; SL 1983, ch 354, § 2; SL 2014, ch 222, § 101.

50-12-18. Return of fees upon refusal to issue license--Statement of reasons for refusal--Appeal. If the department refuses to issue a license upon an original application, the department shall remit to the applicant all fees accompanying the application. Refusal may be on any of the grounds as set forth in § 50-12-16. The department shall set forth the reasons for the refusal to issue the license. The applicant may appeal the decision in pursuance to chapter 1-26.

Source: SDC 1939, § 2.0711 as enacted by SL 1966, ch 1, § 9; SL 2010, ch 227, § 96.

50-12-19. Repealed by SL 2019.

50-12-20. Promulgation of rules. The commission may promulgate all necessary rules pursuant to chapter 1-26 for the purpose of carrying out the purposes and intent of this chapter.

Source: SDC 1939, § 2.0713 as enacted by SL 1966, ch 1, § 9; SL 2010, ch 227, § 98.

50-12-21. Repealed by SL 1983, ch 15, § 207.

50-12-22. Inspection of dealer's records. The department may inspect the pertinent books, letters, records, and contracts of any licensed aircraft dealer periodically or relating to specific complaints made against a dealer and which may be in violation of provisions of this chapter.

Source: SL 1993, ch 349, § 6; SL 2014, ch 222, § 103.

CHAPTER 50-13

AIR SPACE AND OPERATION OF AIRCRAFT

[50-13-1](#), 50-13-2. Repealed.

[50-13-3](#) Repealed.

[50-13-4](#) Repealed.

[50-13-5](#) Repealed.

[50-13-6](#) Repealed.

[50-13-7](#) Repealed.

[50-13-8](#) Repealed.

[50-13-9](#) Repealed.

[50-13-10](#) Repealed.

[50-13-11](#) to 50-13-14. Repealed.

[50-13-15](#) Repealed.

[50-13-16](#) Reckless operation of aircraft as misdemeanor--Federal standards.

[50-13-17](#) Operation of aircraft while intoxicated as misdemeanor.

[50-13-18](#) Tampering with aircraft as misdemeanor.

[50-13-19](#) Repealed.

50-13-1, 50-13-2. Repealed by SL 2014, ch 222, §§ 104, 105.

50-13-3. Repealed by SL 2019.

50-13-4. Repealed by SL 2019.

50-13-5. Repealed by SL 2019.

50-13-6. Repealed by SL 2019.

50-13-7. Repealed by SL 2019.

50-13-8. Repealed by SL 2019.

50-13-9. Repealed by SL 2019.

50-13-10. Repealed by SL 1983, ch 13, § 16.

50-13-11 to 50-13-14. Repealed by SL 2014, ch 222, §§ 111 to 114.

50-13-15. Repealed by SL 2019.

50-13-16. Reckless operation of aircraft as misdemeanor--Federal standards. It is a Class 1 misdemeanor for any person to operate an aircraft in the air or on the ground or water in a careless or reckless manner so as to endanger or be likely to endanger any person or property. In any

proceeding for a violation of this section, the court in determining whether the operation was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes, ~~or~~ regulations, or advisories governing aeronautics.

Source: SDC 1939, § 2.9902; SL 1949, ch 8, § 1; SL 1983, ch 15, § 209; SL 2014, ch 222, § 115.

50-13-17. Operation of aircraft while intoxicated as misdemeanor. It is a Class 1 misdemeanor for any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug to operate an aircraft in the air or on the ground or water. No person may operate an aircraft in the air or on the ground or water who has 0.04 percent or more, by weight, of alcohol in that person's blood.

Source: SDC 1939, § 2.9903 as enacted by SL 1947, ch 3; SL 1983, ch 15, § 210; SL 2014, ch 222, § 116.

50-13-18. Tampering with aircraft as misdemeanor. No person may, without express or implied authority of the owner, operate, climb upon, enter, manipulate the controls or accessories of, set in motion, remove parts or contents therefrom, or otherwise tamper with any ~~civil~~ aircraft within this state with intent to injure the same or cause inconvenience to the owner or operator thereof, or knowingly cause or permit the same to be done.

A violation of this section is a Class 1 misdemeanor.

Source: SL 1953, ch 4, §§ 1, 2; SDC Supp 1960, §§ 2.0117, 2.9911; SL 1983, ch 15, § 211.

50-13-19. Repealed by SL 1983, ch 14, § 20; SL 1983, ch 15, § 212.

CHAPTER 50-14

AIRLINE AUTHORITY [REPEALED]

50-14-1 to 50-14-46. Repealed.

CHAPTER 50-15

DRONES

[50-15-1](#) Repealed.

[50-15-2](#) Compliance with federal requirements--Exemption from chapter.

[50-15-3](#) Authorization required to operate drone over certain facilities--Violation as

misdemeanor.

[50-15-4](#) Prohibited delivery of contraband or controlled substance--Felony.

50-15-1. Repealed by SL 2018, ch 269, § 40.

50-15-2. Compliance with federal requirements--Exemption from chapter. Any operation of a drone in the state shall comply with all applicable ~~f~~Federal ~~a~~Aviation ~~a~~Administration requirements. Any drone operating under the authority of the Armed Forces of the United States, including the National Guard, is exempt from this chapter.

Source: SL 2017, ch 202, § 2.

50-15-3. Authorization required to operate drone over certain facilities--Violation as misdemeanor. No person may operate a drone over the grounds of a prison, correctional facility, jail, juvenile detention facility, or any military facility unless expressly authorized by the administrator thereof. A violation of this section is a Class 1 misdemeanor.

Source: SL 2017, ch 202, § 3.

50-15-4. Prohibited delivery of contraband or controlled substance--Felony. Any person who uses a drone to deliver contraband or controlled substances to a state prison or other correctional facility is guilty of a Class 6 felony in addition to the penalty for the principal offense.

Source: SL 2017, ch 202, § 4.