

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

264S0423

## HOUSE BILL NO. 1164

Introduced by: Representatives Nelson (Stace), Greenfield, Haggar, Hoffman, Hubbel, Kloucek, Magstadt, Miller, Olson (Betty), Stricherz, Tulson, and Verchio and Senators Brown, Gray, Maher, Nygaard, Rave, and Rhoden

1 FOR AN ACT ENTITLED, An Act to authorize senior citizens to hunt from vehicles.

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

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

4 41-8-37. ~~No~~ Except as provided in this section, no person, who is in or on a motor vehicle,  
5 may discharge a firearm or bow and arrow at any wild animals except coyotes, jackrabbits,  
6 rodents, skunks, badgers, raccoons, and foxes.

7 Licensed hunters who are paraplegics or otherwise physically unable to walk with or without  
8 crutches, braces, or other mechanical support or who are otherwise considered to be limited or  
9 impaired in their ability to walk, and who have been issued a disabled hunter permit by the  
10 department, may shoot in fields, woods, or from public roads from a stationary motor vehicle  
11 while hunting game animals or game birds in accordance with the conditions of the permit and  
12 rules promulgated by the Game, Fish and Parks Commission. The commission shall promulgate  
13 rules pursuant to chapter 1-26 to establish the definition of disabled hunter; the eligibility  
14 criteria, application, and approval procedures for issuance of a disabled hunter permit; the



1 duration of a permit; and the extent of the permitted shooting activities.

2 Licensed hunters who are at least sixty-five years of age may shoot in fields or woods from  
3 a stationary motor vehicle while hunting game animals or game birds in accordance with rules  
4 promulgated pursuant to chapter 1-26 by the Game, Fish and Parks Commission. In addition,  
5 licensed hunters who are at least sixty-five years of age may hunt big game animals from public  
6 rights-of-way from a motor vehicle in accordance with the provisions of § 41-9-1.2.

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

8 Section 2. That § 41-9-1.2 be amended to read as follows:

9 41-9-1.2. No person may hunt big game on interstate highways or controlled access facilities  
10 as defined in § 31-8-1 within this state.

11 No person may discharge a firearm, muzzleloader, crossbow, or bow and arrow at any big  
12 game animal, except turkey to be taken with a shotgun using shot shells or with a bow and  
13 arrow, from within the right-of-way of an improved public highway. However, any licensed  
14 hunter who is at least sixty-five years of age and any person who possesses a disabled hunter  
15 permit issued by the department to shoot from a vehicle as provided in § 41-8-37 may hunt big  
16 game on public rights-of-way adjoining publicly-owned hunting areas and on rights-of-way  
17 adjoining private lands with the written permission of the owner or lessee.

18 Retrieval of lawfully taken big game is permitted on all public rights-of-way.

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