

## 4 STATE SCORE

100

Scores are on a 100-point scale; maximum points are noted in lower-right corners.

### Factors Helping the State Score

#### 4 Jobs Estimate

5

South Dakota is in the second quintile when it comes to the number of drone-related jobs per 100,000 people.

### Factors Hindering the State Score

#### 0 Airspace Lease Law

30

South Dakota law does not allow public authorities to lease low-altitude airspace above state and local roads. An airspace lease law would allow state or local officials to create drone highways above these roadways.

#### 0 Avigation Easement Law

25

South Dakota law does not create an avigation easement, which means drone operators may be subject to nuisance and trespass laws, even if their drones do not disturb people on the ground.<sup>1</sup>

#### 0 Task Force or Program Office

20

State leaders should consider convening a statewide drone task force or creating a drone program office.

#### 0 Law Vesting Landowners with Air Rights

10

South Dakota law does not expressly provide air rights to landowners, which raises litigation risk for drone operators.<sup>2</sup>

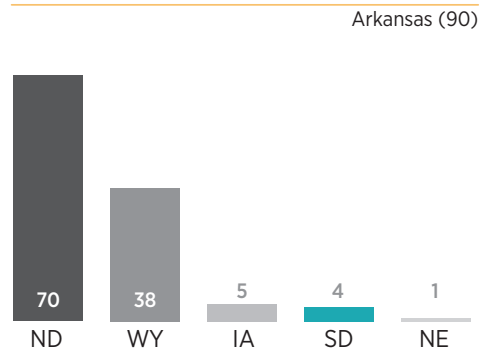
#### 0 Sandbox

10

South Dakota does not have a drone sandbox. State officials should consider dedicating state facilities and airspace to commercial drone testing.

## Peer State Comparisons by Score

Commercial drone readiness scores vary across the nation. To give state leaders and residents insight into how their state compares, we have provided the scores of four state peers. In this case, these peers are selected because of their geographic and political similarities. (The top line illustrates the top score in 2023.)



## Definitions

### Airspace Lease Law

States receive points for having laws that allow state and local authorities to lease airspace above public roadways. These laws allow officials in the future to create drone highways safely, away from airports and residential areas.

### Avigation Easement Law

States receive points for expressly creating an avigation easement, meaning that drones (and planes) are free to fly over private property as long as they do not disturb those on the ground.

### Task Force or Program Office

States receive points if they have an active statewide task force or a program office dedicated to commercial drone services.

### Law Vesting Landowners with Air Rights

States receive points for having a law that expressly vests landowners with air rights. This law reduces litigation risk by putting drone operators on notice that drone flights that are too low or disruptive to landowners are not permitted.

### Sandbox

States receive points if they have dedicated state facilities and airspace for commercial drone testing.

### Jobs Estimate

This score is based on the number of drone jobs per 100,000 people; estimated using ZipRecruiter data.

## Notes

1. South Dakota had an avigation easement law until 2019. See S.D. CODIFIED LAWS § 50-13-4 (repealed 2019).
2. South Dakota law expressly vested landowners with air rights until 2019. See S.D. CODIFIED LAWS § 50-13-3 (repealed 2019).