

STATE TELEMARKETING LAWS

South Dakota

Telemarketing and Robocall Laws

Statutes, rules, and how they differ from the TCPA



By Adam Young and Harrison Gevirtz

<https://tcpa.com/state-telemarketing-laws/south-dakota/>

01. Telemarketing (ch. 37-30A)

SDCL §§ 37-30A-1 TO 37-30A-17

Calling hours, caller ID and identity disclosures, the 30-second inquiry, signed written confirmation, and a private action for willful violations.

02. Do-not-call register (ch. 49-31)

SDCL §§ 49-31-99 TO 49-31-108

The state register is the South Dakota part of the national registry. Solicitors pay an annual PUC fee; PUC fines up to \$5,000 per offense.

AT A GLANCE

South Dakota at a glance

WHY SOUTH DAKOTA MATTERS

Calls and texts run only 9 a.m. to 9 p.m., never on Sundays. Callers must ask within 30 seconds whether the consumer wants a sales pitch, and an oral sale binds only after a signed written confirmation.



Who and what is covered

Most rules reach an "unsolicited consumer telephone communication": "a consumer telephone call or text" to sell consumer goods or services, other than the excepted kinds (§ 37-30A-1(5)).

Texts since 2020

HB 1131 added texts to the telemarketer and communication definitions, so the hours, disclosure and caller ID rules apply.

Aa. **Sellers**

Telemarketers selling by text or phone; a sale takes place where the consumer is located.

Bb. **Exceptions**

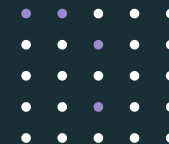
Express request, open debt or contract, existing relationship, newspapers, insurance visits.

Cc. **Burden**

A telemarketer claiming an exemption has the burden of proving it (§ 37-30A-17).

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Telephone sales need a signature

A verbal agreement to buy from a telemarketer "is not valid and legally binding" until the telemarketer receives a signed written confirmation disclosing the full terms (§ 37-30A-4).

No charge before it

No card or bank charge until the signed original arrives. The bold 12-point notice sits just before the signature line.

Refund alternative

The rule does not apply if the consumer gets a full refund on notice within 10 days, disclosed with the offer.

01. State register

SDCL § 49-31-99; ARSD 20:10:35:02

No unsolicited telephone call to a listed number, including cellular service used mainly for personal use. Business relationship calls are excepted.

02. Hang up on disinterest

SDCL § 37-30A-2(3), (4)

No separate company-specific list rule, but the call must end at once when the consumer declines or shows disinterest.

DO-NOT-CALL

Do-not-call and opt-outs

IN PRACTICE

The PUC uses the South Dakota numbers in the national registry as the state register. Update every 31 days; a 30-day grace period covers numbers new to the register.



Calling hours and Sundays

No unsolicited consumer telephone communication, call or text, to a residence before 9 a.m. or after 9 p.m. at the consumer's local time, and none on Sunday (§ 37-30A-3(2)).

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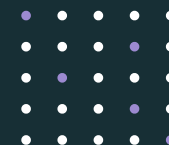
Calling days a week

Sunday solicitations are banned outright. Excepted communications under § 37-30A-1(5) are outside the rule.



9 a.m. to 9 p.m.

Monday to Saturday, consumer local time, one hour later than the federal 8 a.m. start.



No call cap

No limit on call counts, but no conduct that harasses, intimidates or torments (§ 37-30A-3(3)).

Caller ID and the 30 seconds

A telemarketer must display its authentic name or entity and number on caller ID, and may not send misleading caller ID or block the caller's identity (§§ 37-30A-2(1), 37-30A-3(4)).

No intent element

Unlike the federal Truth in Caller ID Act, these rules and § 37-24-6(16) state no intent to defraud. A separate crime covers spoofing.

Aa. **Identify**

True caller name, telemarketer, business name and address, and purpose, at once.

Bb. **Ask first**

Within 30 seconds, ask if the person wants a sales pitch; stop on a no.

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Cc. **Robocalls**

No state autodialer or prerecorded message statute; the TCPA applies.



PUC fee and filing

No license or bond, but any telephone solicitor calling South Dakota residential subscribers pays the PUC an annual fee before the first unsolicited call (§ 49-31-105; ARSD 20:10:35:09).

\$500

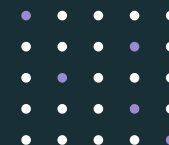
Top annual fee

Every solicitor files each year, even when the fee for its size is \$0 (ARSD 20:10:35:08).



Scaled by headcount

\$0 for 5 or fewer employees or agents, up to \$500 for over 1,000. Renew by October 1.



What to file

Name, contacts, FEIN, headcount, an email contact and a South Dakota registered agent.

Lawsuits and penalties

\$500

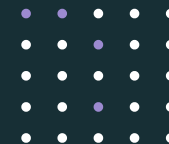
For a willful ch. 37-30A violation: twice actual damages or \$500, whichever is greater, plus fees.

\$5,000

PUC civil fine per do-not-call offense. There is no private do-not-call action.

\$2,000

AG civil penalty per intentional deceptive practice, such as caller ID spoofing.



South Dakota vs. the TCPA

South Dakota is stricter on hours, Sundays, the 30-second inquiry, signed confirmations, caller ID and the annual PUC filing. It is looser with no robocall rule, no private do-not-call action and remedies only for willful violations.

South Dakota

Calls 9 a.m. to 9 p.m., no Sundays, ask within 30 seconds, signed confirmation, PUC fee.

Federal TCPA

Calls 8 a.m. to 9 p.m. every day, robocall consent rules, \$500 per call, up to \$1,500 if willful.

Agency enforcement

No published federal or South Dakota decision construing chapter 37-30A or the do-not-call sections was found, so enforcement rests on the statutes and the agencies.

How complaints run

The PUC investigates each complaint and may assess a penalty or enter it in the FTC Consumer Sentinel database.

Aa. **PUC**

Do-not-call: fines up to \$5,000 per offense, weighing size, history and good faith.

Bb. **AG**

Deceptive practices: injunctions, fees, and \$2,000 per intentional violation.

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Cc. **Criminal**

Knowing violations with intent to defraud are Class 1 misdemeanors.



Recent amendments



HB 1131

Added texts, authentic caller ID and the caller ID bans.



PUC penalty

Ch. 200 amended the PUC fine; the fee rule changed May 30, 2021.



Spoofing crime

Ch. 170 added the caller ID subdivision to § 49-31-31 and § 49-31-31.2.



Ch. 37-24

The 2024 and 2025 laws amended § 37-24-6; effect on telemarketing not confirmed.

01. PUC, hours and scripts

SDCL §§ 37-30A-2, 37-30A-3, 49-31-105

- File with the PUC and pay the fee by October 1 each year.
- Call or text 9 a.m. to 9 p.m., Monday to Saturday only.
- Show the authentic name and number on caller ID.
- Ask within 30 seconds; end the call on a no.

02. Lists, sales and proof

SDCL §§ 37-30A-4 TO 37-30A-17; 49-31-99

- Scrub South Dakota area codes every 31 days.
- Get the signed confirmation, or offer the 10-day refund.
- Keep records proving any exemption you claim.

CHECKLIST

Compliance checklist

PLEASE NOTE

This checklist summarizes state law for general information and is not legal advice. Statutes change; confirm current text with the official source.



Sources behind this deck

SOUTH DAKOTA LAW

[SDCL ch. 37-30A](#) telemarketing

[SDCL ch. 49-31](#) telecommunications, including §§ 49-31-99 to 49-31-108

[SDCL ch. 37-24](#) Deceptive Trade Practices and Consumer Protection

[ARSD ch. 20:10:35](#) do-not-call register rules

[2020 S.D. Sess. Laws ch. 171](#) HB 1131

[SD PUC: Telephone Solicitors](#)

[SD PUC: Solicitor Registration](#) (2026 to 2027)

FEDERAL LAW

[47 U.S.C. § 227](#) Telephone Consumer Protection Act

[47 C.F.R. § 64.1200](#) FCC telemarketing and robocall rules

[16 C.F.R. Part 310](#) FTC Telemarketing Sales Rule

Read the full South Dakota guide: <https://tcpa.com/state-telemarketing-laws/south-dakota/>

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Full text: <https://tcpa.com/disclaimer/> and <https://tcpa.com/terms/>

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The law changes

Current as of October 15, 2026. Statutes, FCC and FTC rules and court decisions change, and some changes are adopted before they take effect. This deck may not reflect later developments.

Courts disagree. Courts in different places can read the same rule differently. Case summaries are not predictions: any other matter turns on its own facts, court and law.

Check the official source. Verify each point against the statute, rule or opinion on the Sources slide. If an official source and this deck differ, the official source controls.

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Read the full South Dakota guide on TCPA.com

The guide covers calling hours, the 30-second inquiry, caller ID, the PUC register and fee, written confirmations and enforcement, with links to the official sources.



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Adam Young is a Miami entrepreneur, the CEO of Ringba and the author of The Pay Per Call Revolution, with more than a decade in telecom, call routing and performance marketing. At TCPA.com he writes about the TCPA, robocall enforcement, tech support fraud cases and what DOJ, FTC and FCC actions mean for companies that make calls. His goal is simple: keep good companies compliant and keep scammers off the phone network.

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