**41:04:05:02.01.  Personal flotation device use required.** If a boat is operated at greater than no-wake speed, personal flotation device use on the boat is required as follows:

(1)  The operator of the boat shall assure that each child on board under seven years of age is wearing a Coast Guard-approved personal flotation device unless such child is within a cabin or below deck; and

(2)  Any person who claims a Type V Hybrid personal flotation device as his or her life jacket of choice shall wear the device unless the person is within a cabin or below deck.

**Source:** 29 SDR 21, effective August 26, 2002.

**General Authority:** SDCL 32-3A-1(1).

**Law Implemented:** SDCL 32-3A-1(1).