**41:04:05:18.  Lights required -- Exception.** From sunset to sunrise in all weather, the operator of a boat shall exhibit lights as required in Inland Rules 20 through 30, and Annex I--Positioning and Technical Details of Lights and Shapes, and Annex II--Additional Signals for Fishing Vessels Fishing in Close Proximity, as published by the United States Coast Guard in "Navigation Rules, International--Inland." In lieu of meeting the requirements of the inland rules, a boat may meet the requirements of International Rules 20 through 30, and Annex I and Annex II as published in the same document. This section does not apply to a law enforcement officer, as defined in § 23-3-27, while operating a boat owned, leased, or otherwise is the property of the state or a political subdivision, in the performance of the officer's duties if the officer's conduct is reasonable and if the officer reasonably believes that operating the boat without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation of state laws or rules, court orders, or municipal or county ordinances. A law enforcement officer may not operate a boat without lights under this section:

 (1)  At speeds greater than what is reasonable and prudent under existing weather and traffic conditions;

 (2)  In situations in which the officer is an active participant in pursuing a boat; or

 (3)  Contrary to written policies or procedures established by the law enforcement officer's employer.

 **Source:** 16 SDR 32, effective August 20, 1989; 42 SDR 14, effective August 10, 2015; 46 SDR 74, effective December 2, 2019.

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

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

 **Reference:** "Navigation Rules, International--Inland," United States Coast Guard, U.S. Department of Transportation, August 23, 1982. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Cost: $6.