

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

372A0463

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1092** - 2/6/97

Introduced by: Representatives Fischer-Clemens, Belatti, Brosz, Crisp, Kazmerzak, Koetzle, Moore, Peterson (Bill), Schrempp, and Sperry and Senators Olson, Dunn (Jim), Everist, Hainje, and Morford-Burg

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the operation of
2 motorboats.

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

4 Section 1. That § 42-8-58 be amended to read as follows:

5 42-8-58. The operator of a boat on public waters shall, in the case of a collision or an
6 accident resulting in damage to a boat or other property in excess of five hundred dollars or
7 resulting in death or injury to a person requiring medical attention, ~~give notice to and~~
8 immediately, by the quickest means of communication, give notice of the collision or accident
9 to the nearest conservation officer or other peace officer and shall file with the Department of
10 Game, Fish and Parks a full description of the collision or accident upon forms provided by the
11 department and available from any state or county law enforcement agency. If the collision or
12 accident resulted in death or injury to a person requiring medical attention, the operator shall file
13 within forty-eight hours. If the collision or accident resulted in damage to a boat or other
14 property in excess of five hundred dollars but does not result in death or injury, the operator shall

1 file within ten days. If the operator is unable to file, then someone acting for the operator may
2 file. The secretary of game, fish and parks may investigate the circumstances of the accident. Any
3 person who fails to file a report as required by this section is guilty of a Class 2 misdemeanor.

4 Section 2. That § 42-8-69 be amended to read as follows:

5 42-8-69. No owner of a motorboat which is propelled by a motor of more than six
6 horsepower may allow any person under twelve years of age to operate such a motorboat unless
7 such person is accompanied by a person of at least eighteen years of age. This section does not
8 apply to personal watercraft as defined in § 42-8-2. A violation of this section is a Class 2
9 misdemeanor.

10 Section 3. That § 42-8-102 be amended to read as follows:

11 42-8-102. No person may operate a personal watercraft:

- 12 (1) Unless each person aboard is wearing a type I, type II, type III, or type V personal
13 flotation device approved by the United States Coast Guard;
- 14 (2) That is equipped by the manufacturer with a lanyard type engine cutoff without
15 attaching such lanyard to his person, clothing, or personal flotation device as
16 appropriate for the specific watercraft;
- 17 (3) Between the hours of one-half hour after sunset to one-half hour before sunrise unless
18 the personal watercraft is equipped with navigation lights as required by the
19 Department of Game, Fish and Parks by rules promulgated pursuant to chapter 1-26;
- 20 (4) At greater than a slow-no-wake speed within one hundred fifty feet of any dock,
21 swimmer, swimming raft, or nonmotorized boat. Slow-no-wake is the slowest
22 possible speed necessary to maintain steerage, but in no case greater than five miles
23 per hour;
- 24 (5) In other than a reasonable and prudent manner; and
- 25 (6) To chase or harass wildlife, or travel through emergent floating vegetation at greater

1 than slow-no-wake speed.

2 Except in the case of an emergency, no person under the age of ~~twelve~~ fourteen may operate
3 or be permitted to operate a personal watercraft, regardless of horsepower, unless there is a
4 person eighteen years of age or older on board the craft. No owner of a personal watercraft may
5 permit the personal watercraft to be operated by such underage person. The provisions of this
6 section do not apply to a performer engaged in a professional exhibition or a person preparing
7 to participate or participating in an officially-sanctioned regatta, race, marine parade, tournament,
8 or exhibition. A violation of this section is a Class 2 misdemeanor.

1 **BILL HISTORY**

2 1/27/97 First read in House and referred to Transportation. H.J. 152

3 1/29/97 Scheduled for Committee hearing on this date.

4 2/5/97 Scheduled for Committee hearing on this date.

5 2/5/97 Transportation Do Pass Amended, AYES 7, NAYS 5. H.J. 316