

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0314

## HOUSE BILL NO. 1024

Introduced by: The Committee on Transportation at the request of the Department of Game,  
Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to revise certain boating and snowmobile accident reporting  
2 procedures.

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 to an apparent extent~~ of five  
7 hundred dollars or resulting in death or injury to a person ~~requiring medical attention,~~  
8 immediately, by the quickest means of communication, give notice of the collision or accident  
9 to the nearest conservation officer or other peace law enforcement officer ~~and shall.~~ The officer  
10 shall file with the Department of Game, Fish and Parks a full description of the collision or  
11 accident upon forms provided by the department and available from any state or county law  
12 enforcement agency. ~~If the collision or accident resulted in death or injury to a person requiring~~  
13 ~~medical attention, the operator shall file within forty-eight hours. If the collision or accident~~  
14 ~~resulted in damage to a boat or other property in excess of five hundred dollars but does not~~  
15 ~~result in death or injury, the operator shall file within ten days. If the operator is unable to file,~~  
16 ~~then someone acting for the operator may file.~~ Notice of the collision or accident is not required

1 of any person who is physically incapable of giving immediate notice during the period of such  
2 incapacity. If the operator of the boat is physically incapable of giving an immediate notice of a  
3 collision or accident and there was another occupant in the boat at the time of the collision or  
4 accident capable of doing so, such occupant shall make or cause to be given the notice not given  
5 by the operator. The secretary of game, fish and parks may investigate the circumstances of the  
6 accident. Any ~~person~~ operator or occupant who fails to file a ~~report~~ notice as required by this  
7 section is guilty of a Class 2 misdemeanor.

8 Section 2. That § 32-20A-19 be amended to read as follows:

9 32-20A-19. The operator of a snowmobile on public lands, frozen public waters, or private  
10 lands leased for public snowmobile use shall, in the case of a collision or an accident ~~with~~  
11 resulting in damage to a snowmobile or other property ~~in excess to an apparent extent~~ of five  
12 hundred dollars or resulting in death or injury to a person, immediately, by the quickest means  
13 of communication, give notice of the collision or accident to, and file with, the Department of  
14 ~~Game, Fish and Parks~~ the nearest conservation officer or other law enforcement officer who shall  
15 file with the Department of Game, Fish and Parks a full description of the collision or accident  
16 upon forms provided by the department and available from any state, county, or local law  
17 enforcement agency. ~~If the collision or accident resulted in death or injury to a person requiring~~  
18 ~~medical attention, the operator shall file within forty-eight hours. If the collision or accident~~  
19 ~~resulted in damage to a snowmobile or other property in excess of five hundred dollars, he shall~~  
20 ~~file within ten days. If the operator is unable to file, then someone acting for him may file. If the~~  
21 operator of the snowmobile is physically incapable of giving an immediate notice of a collision  
22 or accident and there was another occupant in the snowmobile at the time of the collision or  
23 accident capable of doing so, such occupant shall make or cause to be given the notice not given  
24 by the operator. The secretary of game, fish and parks may investigate the circumstances of such  
25 accidents. Any ~~person who violates the provisions of~~ operator or occupant who fails to file a

1 notice as required by this section is guilty of a Class 2 misdemeanor.

2 Section 3. That § 32-20A-20 be amended to read as follows:

3 32-20A-20. ~~An accident report~~ Notice of the collision or accident is not required from any

4 person who is physically incapable of making such report during the period of such incapacity.