

AN ACT

ENTITLED, An Act to increase the amount of property damages necessary to require the immediate reporting of a snowmobile or boat accident and to give cause in a boat accident for withdrawal of blood or other bodily substances for chemical analysis.

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

Section 1. That § 32-20A-19 be amended to read as follows:

32-20A-19. The operator of a snowmobile on public lands, frozen public waters, or private lands leased for public snowmobile use shall, in the case of a collision or an accident resulting in damage to a snowmobile or other property to an apparent extent of one thousand dollars or more to any one person's property or two thousand dollars or more in any one accident or resulting in death or injury to a person, immediately, by the quickest means of communication, give notice of the collision or accident to the nearest conservation officer or other law enforcement officer who shall file with the Department of Game, Fish and Parks a full description of the collision or accident upon forms provided by the department and available from any state, county, or local law enforcement agency. If the operator of the snowmobile is physically incapable of giving an immediate notice of a collision or accident and there was another occupant in the snowmobile at the time of the collision or accident capable of doing so, such occupant shall make or cause to be given the notice not given by the operator. The secretary of game, fish and parks may investigate the circumstances of such accidents. Any operator or occupant who fails to file a notice as required by this section is guilty of a Class 2 misdemeanor.

Section 2. That § 42-8-58 be amended to read as follows:

42-8-58. The operator of a boat on public waters shall, in the case of a collision or an accident resulting in damage to a boat or other property to an apparent extent of one thousand dollars or more to any one person's property or two thousand dollars or more in any one accident or resulting in death

or injury to a person, immediately, by the quickest means of communication, give notice of the collision or accident to the nearest conservation officer or other law enforcement officer. The officer shall file with the Department of Game, Fish and Parks a full description of the collision or accident upon forms provided by the department and available from any state or county law enforcement agency. Notice of the collision or accident is not required of any person who is physically incapable of giving immediate notice during the period of such incapacity. If the operator of the boat is physically incapable of giving an immediate notice of a collision or accident and there was another occupant in the boat at the time of the collision or accident capable of doing so, such occupant shall make or cause to be given the notice not given by the operator. The secretary of game, fish and parks may investigate the circumstances of the accident. Any operator or occupant who fails to file a notice as required by this section is guilty of a Class 2 misdemeanor.

Section 3. That § 42-8-45.6 be amended to read as follows:

42-8-45.6. Any person who operates a boat while underway on the public waters of the state in this state is considered to have consented to the withdrawal of blood or other bodily substance and chemical analysis of such blood, breath, or other bodily substance to determine the amount of alcohol in such blood and to determine the presence of marijuana or any controlled drug or substance.

The person, operating a boat underway which has been involved in a collision or an accident resulting in bodily injury or death to any person or property damage to a boat or other property to an apparent extent of one thousand dollars or more to any one person's property or two thousand dollars or more in any one accident, shall submit to the withdrawal of blood or other bodily substance for chemical analysis or chemical analysis of the person's breath. The officer shall advise the person of the right to have an additional chemical analysis performed by a technician of his or her own choosing at his or her own expense.

Any other person, operating a boat underway which has not been involved in a collision or an

accident resulting in bodily injury or death to any person or property damage to a boat or other property to an apparent extent of one thousand dollars or more to any one person's property or two thousand dollars or more in any one accident, shall be requested by the officer to submit to the withdrawal of blood or other bodily substance for chemical analysis or chemical analysis of his or her breath. The officer shall advise the person that:

- (1) If he or she refuses to submit to the withdrawal or chemical analysis, no withdrawal or chemical analysis may be required;
- (2) Such refusal is admissible into evidence at trial; and
- (3) That he or she has the right to have an additional chemical analysis performed by a technician of his or her own choosing at his or her own expense.

If such person refuses to submit to chemical analysis of his or her blood, urine, breath, or other bodily substance, or allow the withdrawal of blood or other bodily substance for chemical analysis as provided in this section, and that person subsequently stands trial for violation of § 42-8-45, such refusal is admissible into evidence at the trial.

An Act to increase the amount of property damages necessary to require the immediate reporting of a snowmobile or boat accident and to give cause in a boat accident for withdrawal of blood or other bodily substances for chemical analysis.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1023

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1023  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State