

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

400W0108

HOUSE JUDICIARY ENGROSSED NO. **SB 48** - 02/25/2015

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the operation of
2 personal watercraft.

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

4 Section 1. That § 42-8-102 be amended to read as follows:

5 42-8-102. No person may operate a personal watercraft:

6 (1) Unless each person aboard is wearing a ~~type I, type II, type III, or type V~~ wearable
7 personal flotation device approved by the United States Coast Guard;

8 (2) That is equipped by the manufacturer with a lanyard type engine cutoff without
9 attaching such lanyard to ~~his~~ the person, clothing, or personal flotation device as
10 appropriate for the specific watercraft;

11 (3) Between ~~the hours of one-half hour after sunset to one-half hour before~~ sunset and
12 sunrise unless the personal watercraft is equipped with navigation lights as required
13 by the Department of Game, Fish and Parks by rules promulgated pursuant to chapter
14 1-26;



1 (4) At greater than a slow-no-wake speed within one hundred fifty feet of any dock,
2 swimmer, swimming raft, or nonmotorized boat. Slow-no-wake is the slowest
3 possible speed necessary to maintain steerage, but in no case greater than five miles
4 per hour;

5 (5) In other than a reasonable and prudent manner; and

6 (6) To chase or harass wildlife, or travel through emergent floating vegetation at greater
7 than slow-no-wake speed.

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