

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

400B0280

## SENATE BILL NO. 34

Introduced by: The Committee on Agriculture & Natural Resources at the request of the  
Department of Game, Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the required use of  
2 diver-down flags and mandatory motorboat distance restrictions.

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

4 Section 1. That § 42-8-44.1 be amended to read as follows:

5 42-8-44.1. Any diver using a self-contained underwater breathing apparatus, a forced air  
6 breathing line system, a snorkel, or any other means of underwater air supply for the purpose of  
7 underwater activity, operating in the waters of this state, ~~except in an area from which all~~  
8 ~~motorboats or sailboats are prohibited from operating, shall perform the activity within an~~  
9 ~~imaginary cylinder extending downward from an imaginary circle formed on the surface of the~~  
10 ~~body of water by revolving a seventy-five foot radius three hundred sixty degrees about a point~~  
11 ~~marked by the display of a flag as provided by this section. The flag, referred to as the~~  
12 ~~diver-down flag, must be firmly attached in a clearly visible position to a securely anchored float,~~  
13 ~~rubber tube, or to a boat~~ shall mark the diver's location by the display of a diver-down flag. The  
14 diver-down flag shall be a rectangle with a bright red field crossed by a diagonal white strip  
15 running from the upper-left corner to the bottom-right corner of the rectangle and shall be

1 securely attached or anchored to a float, a rubber tube, a diver, or a boat. A violation of this  
2 section is a Class 2 misdemeanor.

3 Section 2. That § 42-8-44.2 be repealed.

4 ~~42-8-44.2. No mechanically powered watercraft or sailboat may be operated within the~~  
5 ~~surface area described by such circle as prescribed by § 42-8-44.1, nor shall any waterskiing or~~  
6 ~~surfboarding or other surface activity potentially dangerous to such diver be performed in the~~  
7 ~~area described by such circle, except when such craft or activity are a part of or related to such~~  
8 ~~diving activity. A violation of this section is a Class 2 misdemeanor.~~