

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0280

SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO.

SB34 - 1/28/98

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, is 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.~~ The diver-down flag shall be a rectangle with a bright red field crossed
14 by a diagonal white strip running from the upper-left corner to the bottom-right corner of the

1 rectangle and shall be clearly visible and securely attached or anchored to a float, a rubber tube,
2 a diver, or a boat. A violation of this section is a Class 2 misdemeanor.

3 Section 2. That § 42-8-44.2 be amended to read as follows:

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

1 **BILL HISTORY**

2 1/13/98 First read in Senate and referred to Agriculture and Natural Resources. S.J. 26

3 1/20/98 Agriculture and Natural Resources Deferred to another day.

4 1/23/98 Scheduled for Committee hearing on this date.

5 1/27/98 Scheduled for Committee hearing on this date.

6 1/27/98 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 9, NAYS 0.

7 S.J. 210

8 1/27/98 Agriculture and Natural Resources Place on Consent Calendar.