

## **STATE OF SOUTH DAKOTA**

### ***State-Specific Boating Safety Requirements***

#### **SL 1. Law Enforcement Authority**

The South Dakota Department of Game, Fish and Parks, Division of Wildlife enforces the boating laws and regulations in the state of South Dakota. The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters.

Any law enforcement officer of South Dakota and its subdivisions may enforce the provisions of the state Watercraft Law and can stop and board any boat subject to this law.

#### **SL 2. Age Restrictions**

Operators of motorboats propelled by a motor of 6 HP or more must be at least 12 years old. A person at least 18 years old must accompany operators under 12 years old.

Personal Watercraft (PWC) operators must be at least 14 years old unless there is a person 18 years or older onboard the vessel with them.

A violation of this law is a Class 2 misdemeanor.

#### **SL 3. Boater Safety Education Requirements**

South Dakota does not require mandatory boating education at this time. However, it is highly recommended that boat operators take a boating safety course to familiarize themselves with navigation and boat operation. Once a National Association of State Boating Law Administrator (NASBLA)-approved course has been completed, the boat operator may be eligible for an insurance discount.

#### **SL 4. Vessel Registration**

All non-motorized boats over 12 feet long as well as motorboats of any length, including those using electric trolling motors, must be registered before being operated on South Dakota public waters. Boat registration, transferring of boat ownership, and replacing lost boat registration stickers can be completed at County Treasurer offices. Boats may be registered for either a 1-year or 3-year period. Registration fees are based on the length of boat and the type of propulsion.

Boats registered in another state may operate in South Dakota for 60 days before registration must be transferred to South Dakota. However, non-resident boats docked in South Dakota must be licensed in South Dakota.

According to state law, boat identification numbers comprise the letters "SD" followed by a group of three numbers, which are then followed by two letters. The owner must permanently and securely display the numbers on each side of the forward part of the motorboat so that the numbers are clearly visible and readable from left to right and at a distance of 100 feet on a clear day, without the aid of a magnifying device, when the motorboat is in the water. The numbers displayed must be a plain BLOCK design, upper case and measure at least 3 inches in height.

Annual or three-year number validation decals must be displayed adjacent to the numbers on motorized vessels or on each side of the forward part of the vessel on non-motorized vessels and must be readily visible. No numbers or letters other than the assigned identification numbers are allowed on the forward part of the vessel.

Spelling out words or letters of the assigned number, such as using the script "South Dakota" instead of "SD," is not permitted by either federal or state law. The South Dakota Tourism logo

may be displayed elsewhere on a boat, but not as part of the assigned boat number. Decorative print styles that deviate significantly from "plain block design" are also prohibited.

Boat numbers that do not meet these specifications are subject to fines. Boat numbers that are illegible due to size, non-contrasting colors or any other reason may require an immediate change.

Any law enforcement officer of South Dakota or its subdivisions may enforce the vessel registration provisions and may stop and board any boat to determine compliance with South Dakota law.

### **SL 5. Maximum Loading and Horsepower**

The State of South Dakota does not have any maximum loading and horsepower requirements that are in addition to federal regulations. To review federal regulations, refer to the section on Capacity Plates included in Chapter 1 of this course.

*The following information was approved by NASBLA and is included in Chapter 1 of the Boater101 Course:*

#### *Capacity Plates*

*It is required for all mono-hull boats under 20 feet built on or after November 1, 1972 to have a capacity plate approved by the USCG. In addition some manufacturers voluntarily install capacity plates on boats larger than 20 feet. This plate must be visible from the operator's station. The capacity plate lists a safe motor size, the maximum number of persons to be carried onboard, and the total weight the boat can carry including persons, motor, and gear. When operating your boat be sure to adhere to the restrictions listed on the capacity plate. Not only is it dangerous to overpower or overload a small boat, since they can swamp or capsize more easily, but it is also illegal. In many states, there are fines and penalties for exceeding capacity recommendations, including carrying more than the maximum number of people.*

### **SL 6. Equipment and Lighting Requirements**

The USCG sets minimum safety standards for vessels and associated equipment. To meet these standards, some of the equipment must be USCG-approved. All boats operating on South Dakota waters must carry and, if required, have in operation, acceptable personal flotation devices (PFDs), visual distress signals, fire extinguishers (whose number and type depend on boat size), sounding devices, backfire flame arrestor, ventilation systems, and navigation lights as required by federal law. If a boat manufacturer installs the safety equipment, it should not be assumed that the vessel is properly equipped at time of purchase. Boat owners are responsible for ensuring that his or her vessel meets USCG regulations in accordance with vessel size and the waters in which the vessel is being operated. To review the federal requirements for safety equipment, refer to Chapter 2 of this course.

Most boats operated in South Dakota are either Class A or Class 1 vessels.

#### Class A Boats

Boats under 16 feet long and all canoes and kayaks must have the following safety equipment on board:

- A USCG-approved wearable PFD for each person aboard.
- Proper lights displayed sunset to sunrise.
- One USCG-approved fire extinguisher of B-1 or larger unless boat construction doesn't allow explosive or flammable gases or vapors to be trapped.

### Class 1 Boats

Boats 16 to 26 feet long, except canoes and kayaks, must have the following safety equipment on board:

- A USCG-approved wearable PFD for each person aboard.
- A USCG-approved throwable flotation device (Type IV cushion or ring buoy)
- One USCG-approved Type B-1 fire extinguisher or larger unless boat construction doesn't allow explosive or flammable gases or vapors to be trapped.
- Proper lights displayed sunset to sunrise.
- A whistle or other sound-producing mechanical device capable of a two-second blast audible for at least one-half mile.

### Mandatory PFD Usage

Children under 7 years old must wear a PFD while on any vessel operating at greater than slow to no wake speed, unless below deck or in an enclosed cabin.

### **SL 7. Marine Sanitation Devices (MSDs)**

South Dakota law prohibits the discharge of any sewage, treated or untreated, into the state's freshwaters. South Dakota adopts federal regulations regarding MSDs. The penalty for the discharge of untreated sewage into the waters of the state includes a \$1,000 fine and/or not more than 1 year in prison.

Every boat equipped with kitchen or toilet facilities must be equipped and operated to handle or treat liquid and solid wastes in a way that will prevent pollution of the receiving waters. A violation of this section is a Class 2 misdemeanor.

### **SL 8. Muffling Devices**

To reduce noise, motorboat engines must be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system. Boat owners and operators must either maintain an unaltered muffling system or install an effective system to reduce engine noise. The use of cutouts is prohibited, except for racing boats competing in a regatta or boat race. A violation of the muffler requirements is a Class 2 misdemeanor.

### **SL 9. Boating Accidents**

If a boat is involved in an accident, the operator must give necessary assistance to the other vessel and passengers, as long as it will not personally endanger the operator, his or her passengers, crew or the vessel. The operator must also give his or her name, address, and the identifying number of his or her vessel to anyone injured in the accident and to the owner of any damaged property.

If a boat operator is involved in an accident where the amount of damage incurred by one of the vessels or other property is greater than \$1,000 or if the total amount of damage caused as a result of the accident is greater than \$2,000 or if the accident results in the death or injury of a person, the boat operator must, by the quickest means possible give immediate notification of the accident to the nearest conservation officer or other law enforcement officer.

If the vessel operator is physically unable to give immediate notice of the accident, and there is another occupant in the boat at the time of the accident who is capable, the occupant is responsible for giving notice of the accident to the proper authorities.

Any operator or occupant who fails to file a notice as required is guilty of a Class 2 misdemeanor.

### **SL 10. Vessel Speed Restrictions**

Vessel operators must proceed at a speed that it is reasonable for the time, place, and surrounding conditions. Unreasonable speed and water-skiing are prohibited in harbors, near bathing beaches, docks, landings, piers, anchorages, anchored boats, or fishing boats. In these areas, boat operators must reduce their speed to no-wake speed so that the wash or wake does not endanger or cause damage to others.

A boat underway must also remain far enough away from canoes, rowboats, boats with people fishing, and persons on the shore so as not to endanger them by its wash or wake.

#### **SL 11. Mooring to Markers or Buoys**

It is unlawful to moor or attach a vessel to a beacon, light, buoy (except a mooring buoy) or any other navigational aid installed on public waters by proper authorities. It is also unlawful to tamper with, move, displace, damage or destroy any navigational aid.

#### **SL 12. Reckless and Careless Operation**

It is not permitted to operate a vessel in a reckless or negligent manner so as to endanger the life, limb, or property of a person. Examples of reckless operation are:

- Operating a vessel in swimming areas.
- Riding on seatbacks, gunwales, transoms or pedestal seats while vessel is underway.
- Excessive speed in crowded areas, dangerous areas or during restricted visibility.
- Operating an overloaded vessel.
- Towing a skier in a crowded area where a fallen skier is likely to be hit by other vessels or towing in areas where the skier is likely to strike an obstacle.
- Using a personal watercraft to jump the immediate wake of another vessel.

A violation of this section is a Class 1 misdemeanor.

#### **SL 13. Interference with Navigation**

It is unlawful to:

- Anchor a vessel under a bridge or in the traveled portion of a river, channel or other waterbody that will prevent or interfere with any other passing vessel.
- Obstruct a boat ramp, pier, wharf or access to any facility.
- Obstruct or mark the waters of South Dakota in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of South Dakota.
- Operate or otherwise position a vessel, other object or any person in a way that would obstruct or impede the normal flow of traffic on the lakes of this state.

#### **SL 14. Boating Under the Influence**

No person may operate a boat while underway on the public waters of South Dakota while:

- There is 0.08 percent or more by weight of alcohol in that person's blood as shown by chemical analysis of that person's breath, blood, or other bodily substance;
- Under the influence of an alcoholic beverage;
- Under the influence of marijuana or any controlled drug or substance to a degree which renders the person incapable of safely driving or operating such boat; or
- Under the combined influence of an alcoholic beverage and marijuana or any controlled drug or substance to a degree that renders the person incapable of safely driving or operating such boat.

A violation of this section is a Class 1 misdemeanor. If you operate a boat on South Dakota waters, you are deemed to have given "implied consent" to be tested for alcohol and/or drugs.

#### **SL 15. Mandatory Violator Education**

South Dakota has no regulations requiring mandatory violator education at this time.

### **SL 16. PWC Regulations**

In South Dakota, a "Personal Watercraft" is defined as any motorboat that has an inboard or outboard motor powering a water jet pump or caged propeller as its primary source of motive power and is designed to be operated by a person standing on, kneeling on, sitting astride, or being towed behind the watercraft, and has the probability that the operator and passengers may in the normal course of use, fall overboard.

It is unlawful for anyone under the age of 14 to operate a PWC unless accompanied by a person 18 years of age or older onboard the craft.

Each person on a PWC must wear a USCG-approved Type I, II, III or V PFD at all times. Additionally, an operator of a PWC equipped by the manufacturer with a lanyard-type cut-off switch must attach the lanyard to his or her person, clothing or PFD.

The operator of a PWC cannot operate within 150' of swimmers, divers, docks, swimming rafts or non-motorized boats except at slow-no-wake speed. Slow-no-wake is the slowest possible speed necessary to maintain steerage but in no case greater than 5 MPH. It is unlawful to chase or harass wildlife, or travel through emergent floating vegetation at greater than slow-no-wake speed on a PWC.

PWC operation is prohibited between the hours of one-half hour after sunset to one-half hour before sunrise. PWCs are considered boats and subject to all South Dakota boating rules and regulations.

### **SL 17. Water Ski Regulations**

Boats towing a person on water skis, surfboard or similar device must have a competent observer (other than the operator) aboard or be equipped with a 160-degree wide-angle rearview mirror.

Water skiing is prohibited between the hours of one-half hour after sunset and one-half hour before sunrise.

A violation of these regulations is a Class 2 misdemeanor.

### **SL 18. Divers-down Flag**

Federal navigation rules require vessels restricted in the ability to maneuver to display appropriate day shapes or lights. To meet this requirement, recreational vessels engaged in diving activities may exhibit a rigid replica of the international code flag "A" or a "Divers-Down" flag not less than one meter in height, or at night, display navigation lights 360 degrees red on top, white in middle and red on the bottom. Scuba divers, skin divers and snorkelers must mark their diving area by means of a divers-down flag.

Divers must display a Divers-Down flag in the area in which the diving occurs. Divers should attempt to stay within 75 feet of the Divers-Down flag.

Boaters and water-skiers must stay at least 75 feet away from a Divers-Down flag. Divers should not, except in case of emergency, display the Divers-Down flag in an area that would constitute a navigational hazard.

A violation of this section is a Class 2 misdemeanor.

### **SL 19. Liveries (Rental Agencies)**

All liveries should provide renters with information on rules, laws, and basic navigation and boating safety for the state in which the rented vessel is operated. Under South Dakota law,

neither the owner of a boat, nor the owner's agent or employee, may permit any motorboat or any boat to depart from the owner's premises unless it is provided, either by owner or renter, with the equipment required pursuant to such rules. A violation of this section is a Class 2 misdemeanor.

The owner of a boat or boats for hire must keep a record for a 6-month period of the name and address of the person(s) hiring a boat; the identification number thereof; number of persons assigned to the boat; the departure date and time, and the expected time of return. These records are subject to inspection at any time by any law enforcement officer. A violation of this section is a Class 2 misdemeanor.

## **SL 20. Other State-Specific Regulations**

### **Marine Events**

Whenever a regatta, motorboat or other boat race, marine parade, tournament or exhibition is proposed to be held, the person in charge thereof, shall at least 15 days prior thereto, file an application with the South Dakota Department of Game, Fish and Parks for permission to hold such regatta, motorboat or other boat race, marine parade, tournament or exhibition. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat or other boat race, marine parade, tournament or exhibition, and it shall not be conducted without authorization of the South Dakota Game, Fish and Parks Commission in writing.

## **SL 21. Environmental Awareness**

### **Aquatic Nuisance Species**

South Dakota waters are threatened by several exotic aquatic species that may be spread unknowingly by anglers and boaters. Boaters who have operated their vessels in areas in which exotic species have been identified must inspect their boats and trailers for any vegetation and disinfect live-wells, bait wells and the boat bilge before entering South Dakota waters. In addition, anglers who import bait must comply with baitfish regulations and ensure that the species are legal and are not exotic species. Potential exotic species that may be encountered are:

- Eurasian water milfoil
- Purple loosestrife
- Zebra mussels
- European rudd
- Curly-leafed pondweed

To help to stop the spread of unwanted exotic pests:

- Clean all plant material from boat hull and trailer.
- Drain your vessel's live well and motor, flush the live well and cooling system with hot water (140° F).
- Refrain from dumping any live fish into any waters.

### **Additional Information**

For more information on South Dakota boating law refer to the South Dakota Department of Game, Fish, and Parks at: <http://www.sdgifp.info/Wildlife/Boating/Index.htm>. Also see South Dakota Codified Laws, Title 42 – Recreation and Sports, Chapter 08 – Watercraft, Sections 42-8-1 to 42-8-102 at <http://legis.state.sd.us/statutes/index.aspx?FuseAction=StatutesTitleList> (click on link to Chapter 42, then click on 08 for the Watercraft laws). Vessel registration requirements are found in South Dakota Codified Laws Title 32, Chapter 32-3A – Title, Registration and Taxation of Boats.