

**GAME, FISH AND PARKS COMMISSION ACTION
PROPOSAL**

**MOTORBOATS AND WATERCRAFT
41:04:05**

Commission Meeting Dates:	Public Hearing	March 1, 2012	Ft. Pierre
	Finalization	March 1-2, 2012	Ft. Pierre

COMMISSION PROPOSAL HIGHLIGHTS

1. Add a provision to 41:04:05:03 that would clarify that Coast Guard approved fire extinguishers carried on boats must be in working order.
2. Amend 41:04:05:16 to revise the provisions for emergency signals on law enforcement boats.

Recommended changes:

41:04:05:03. Fire extinguishers required -- Exception. Fire extinguishers that are of working order and carrying the stamp of approval of the U.S. Coast Guard are required on boats operated on public waters, as follows:

- (1) Class A and Class 1 motorboats shall carry at least one fire extinguisher of B-I type or larger;
- (2) Class 2 motorboats shall carry at least two fire extinguishers of B-I type or larger;
- (3) Class 3 motorboats shall carry at least one B-II type and one B-I type or three B-I type fire extinguishers.

Motorboats less than 26 feet long and not carrying passengers for hire are exempt from the requirements of this section if the construction of the boat will not permit the entrapment of explosive or flammable gases or vapors.

41:04:05:16. Emergency signals -- Boats to stop. Only an authorized emergency rescue or law enforcement ~~craft~~ boats may display flashing blue or red lights or sound a siren. Upon giving ~~the~~ either signal, the emergency and enforcement boats have the right-of-way and all other boats must immediately stop.

SUPPORTIVE INFORMATION

Existing administrative rule (41:04:05:03) requires USCG-approved fire extinguisher(s) be carried upon motorboats. However, the rule does not stipulate that the fire extinguishers be maintained in a working order. Fire extinguishers that are not serviceable or those that have been discharged present an inherent safety risk to the boating public. The proposed rule would require fire extinguishers to be in working order.

Current language in 41:04:05:16 addresses authorized emergency rescue or law enforcement craft displaying flashing blue emergency lights. Numerous emergency rescue or law enforcement craft in this state display blue, red, or a combination of both blue and red emergency lights. The proposed language would provide for the inclusion of existing emergency rescue or law enforcement boats that display red emergency lights. Additionally, the proposed changes would align this rule with state statute (SDCL 32-33-18) that requires either a visual or audible signal to be given prior to stopping a traditional motor vehicle.