

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0229

SENATE BILL NO. 68

Introduced by: The Committee on Transportation at the request of the Department of
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to revise the requirements relating to the use of child
2 restraint systems in passenger vehicles.

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

4 Section 1. That § 32-37-1 be amended to read as follows:

5 32-37-1. Any operator of any passenger vehicle transporting a child under five eighteen years
6 of age on the streets and highways of this state shall properly secure the child in a child passenger
7 restraint or seat belt system. The requirements of this section are met if:

8 (1) A child who is under the age of five is properly secured in a child passenger restraint
9 system according to its manufacturer's instructions. The child passenger restraint
10 system shall meet Department of Transportation Motor Vehicle Safety Standard 213
11 as in effect January 1, ~~1984~~. ~~The requirements of this section are met if the~~ 1981; or

12 (2) A child who is at least two five and under five eighteen years of age ~~by securing the~~
13 ~~child~~ is properly secured in a child passenger restraint or seat belt system.

14 An operator who violates this section commits a petty offense.

15 Section 2. That § 32-37-2 be amended to read as follows:

1 32-37-2. The provisions of § 32-37-1 do not apply:

2 (1) ~~To drivers licensed in another state or jurisdiction;~~

3 ~~—(2)—If the child's personal needs are being attended to by someone other than the driver;~~

4 ~~—(3)—If all seating positions equipped with child passenger restraint systems or seat belts~~
5 are occupied; or

6 ~~(4)~~(2) In passenger cars manufactured before 1966 that have not been equipped with seat
7 belts.