

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0229

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB68** - 2/2/98

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. Enforcement of subdivision
15 (2) of this section by state or local law enforcement agencies shall be accomplished as a

1 secondary action.

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

3 32-37-2. The provisions of § 32-37-1 do not apply:

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

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

6 ~~—(3)— If all seating positions equipped with child passenger restraint systems or seat belts~~

7 are occupied; or

8 ~~(4)~~(2) In passenger cars manufactured before ~~1966~~ September 1, 1973, that have not been

9 equipped with seat belts.

1 **BILL HISTORY**

2 1/13/98 First read in Senate and referred to Transportation. S.J. 33

3 1/20/98 Scheduled for Committee hearing on this date.

4 1/22/98 Scheduled for Committee hearing on this date.

5 1/22/98 Transportation Deferred to another day, AYES 4, NAYS 3.

6 1/27/98 Scheduled for Committee hearing on this date.

7 1/27/98 Transportation Do Pass Amended, Failed, AYES 3, NAYS 4.

8 1/27/98 Deferred to 36th legislative day, AYES 4, NAYS 3. S.J. 212

9 1/29/98 Recalled from committee (Rule 7-7). S.J. 242

10 1/29/98 Transportation Do Pass, Failed, AYES 3, NAYS 4.

11 1/29/98 Transportation Do not Pass, AYES 5, NAYS 2. S.J. 259

12 2/2/98 Motion to strike the "not" Passed, AYES 21, NAYS 13.