

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

374C0181

## HOUSE BILL NO. 1173

Introduced by: Representatives Napoli, Apa, Duenwald, Koskan, McNenny, Monroe, Putnam,  
and Wetz and Senators Moore, Bogue, Flowers, Kloucek, and Rounds

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the requirement for  
2 children to be in a child passenger restraint system.

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 years of age  
6 on the streets and highways of this state shall properly secure the child in a child passenger  
7 restraint system according to its manufacturer's instructions. The child passenger restraint system  
8 shall meet Department of Transportation Motor Vehicle Safety Standard 213 as in effect  
9 January 1, 1981. The requirements of this section are met if the child is at least two and under  
10 five years of age ~~and is at least forty pounds in weight~~ by securing the child in a seat belt. An  
11 operator who violates this section commits a petty offense.

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

13 32-37-2. The provisions of § 32-37-1 do not apply:

14 (1) If all seating positions equipped with child passenger restraint systems or seat belts  
15 are occupied; ~~or~~

16 (2) In passenger cars manufactured before 1966 that have not been equipped with seat

1 belts;

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

3 (4) If the child's personal needs are being attended to by someone other than the driver.