

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

347D0013

SENATE BILL NO. 66

Introduced by: Senators Lawler, Brown (Arnold), Dunn (Rebecca), Lange, Munson (David), Reedy, and Symens and Representatives Brown (Jarvis), Brown (Richard), Fiegen, Fischer-Clemens, Hennies, Konold, and Kooistra

1 FOR AN ACT ENTITLED, An Act to require all persons to wear a seat belt while in certain
2 motor vehicles.

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

4 Section 1. That § 32-38-1 be amended to read as follows:

5 32-38-1. Except as provided in chapter 32-37 and § 32-38-3, ~~every operator and front seat~~
6 ~~passenger of~~ any person in a passenger vehicle operated on a public highway in this state shall
7 wear a properly adjusted and fastened safety seat belt system, required to be installed in the
8 passenger vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard
9 Number 208 (49 C.F.R. 571.208) in effect January 1, 1989, at all times when the vehicle is in
10 forward motion. The driver of the passenger vehicle shall secure or cause to be secured a
11 properly adjusted and fastened safety seat belt system on any passenger ~~in the front seat~~ who is
12 at least five years of age but younger than ~~eighteen~~ sixteen years of age.

13 A person commits a violation of this section if the person:

14 (1) Operates a passenger vehicle on a public highway and is not properly secured with a
15 safety seat belt system as required by this section;

16 (2) Operates a passenger vehicle on a public highway with a passenger who is under

1 sixteen years of age and the passenger is not properly secured with a safety seat belt
2 system as required by this section; or

3 (3) Is a passenger in a passenger vehicle on a public highway who is sixteen years of age
4 or older and is not properly secured with a safety seat belt system as required by this
5 section.

6 Any violation of this section is not a moving traffic offense under the provisions of
7 § 32-12-49.1. A violation of this section is a petty offense.

8 Section 2. That § 32-38-5 be repealed.

9 —~~32-38-5. Enforcement of this chapter by state or local law enforcement agencies shall be~~
10 ~~accomplished as a secondary action. A violation of this chapter is a petty offense.~~