

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

446I0454

HOUSE BILL NO. 1165

Introduced by: Representative Adelstein and Senators Knudson, Ham, and Vitter

1 FOR AN ACT ENTITLED, An Act to require all passengers in passenger vehicles to wear seat
2 belts.

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 a passenger vehicle operated on a public highway in this state shall wear a properly
7 adjusted and fastened safety seat belt system, required to be installed in the passenger vehicle
8 when manufactured pursuant to Federal Motor Vehicle Safety Standard Number 208 (49 C.F.R.
9 571.208) in effect January 1, 1989, at all times when the vehicle is in forward motion. The driver
10 of the passenger vehicle shall secure or cause to be secured a properly adjusted and fastened
11 safety seat belt system on any passenger ~~in the front~~ seat who is at least five years of age but
12 younger than ~~eighteen~~ fourteen years of age. Any violation of this section is not a moving traffic
13 offense under the provisions of § 32-12-49.1. A violation of this section, by any operator or by
14 any passenger who is at least fourteen years of age, is a petty offense.

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 That § 32-38-5 be repealed.

16 ~~32-38-5. Enforcement of this chapter by state or local law enforcement agencies shall be~~



1 accomplished as a secondary action. A violation of this chapter is a petty offense.

2 Section 3. That § 32-37-1.1 be repealed.

3 ~~—32-37-1.1. Any operator of a passenger vehicle operated on a public street or highway in this~~
4 ~~state transporting a passenger who is at least five and under eighteen years of age shall assure~~
5 ~~that the passenger is wearing a properly adjusted and fastened safety seat belt system, required~~
6 ~~to be installed in the passenger vehicle if manufactured pursuant to Federal Motor Vehicle Safety~~
7 ~~Standard Number 208 (49 C.F.R. 571.208) in effect January 1, 1989, at all times when the~~
8 ~~vehicle is in motion. A violation of this section is a petty offense.~~

9 Section 4. That § 32-37-1.2 be repealed.

10 ~~—32-37-1.2. Any operator of any passenger vehicle operated on a public street or highway in~~
11 ~~this state, who is at least fourteen years of age and under eighteen years of age, shall wear a~~
12 ~~properly adjusted and fastened safety seat belt system, required to be installed in the passenger~~
13 ~~vehicle if manufactured pursuant to Federal Motor Vehicle Safety Standard Number 208 (49~~
14 ~~C.F.R. 571.208) in effect January 1, 1989, at all times when the vehicle is in motion. A violation~~
15 ~~of this section is a petty offense.~~

16 Section 5. That § 32-37-1.3 be repealed.

17 ~~—32-37-1.3. Any passenger of any passenger vehicle operated on a public street or highway~~
18 ~~in this state, who is at least fourteen years of age and under eighteen years of age, shall wear a~~
19 ~~properly adjusted and fastened safety seat belt system, required to be installed in the passenger~~
20 ~~vehicle if manufactured pursuant to Federal Motor Vehicle Safety Standard Number 208 (49~~
21 ~~C.F.R. 571.208) in effect January 1, 1989, at all times when the vehicle is in motion. A violation~~
22 ~~of this section is a petty offense.~~