

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

644Q0282

## SENATE TRANSPORTATION ENGROSSED NO. **SB 79** - 1/30/2009

Introduced by: Senators Jerstad, Adelstein, Ahlers, Bartling, Dempster, Merchant, Miles, Nesselhuf, Novstrup (Al), and Tieszen and Representatives Engels, Blake, Bolin, Burg, Curd, Cutler, Dennert, Elliott, Feickert, Feinstein, Gibson, Hunhoff (Bernie), Iron Cloud III, Killer, Kirschman, Lange, Lederman, Lucas, McLaughlin, Moser, Nygaard, Schrempp, Solberg, Sorenson, Street, Thompson, Vanderlinde, and Wismer

1 FOR AN ACT ENTITLED, An Act to provide for the primary enforcement of seat belt laws and  
2 to define passenger buses.

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

4 Section 1. That § 32-38-5 be amended to read as follows:

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

7 Section 2. That chapter 32-38 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 For the purpose of this chapter, a passenger bus means any self-propelled vehicle used on  
10 a highway to transport passengers if the vehicle:

11 (1) Has a gross vehicle weight rating, or gross vehicle weight, of ten thousand one  
12 pounds or more, whichever is greater; or



- 1 (2) Is designed or used to transport more than fifteen passengers, including the driver.