

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

761N0429

HOUSE BILL NO. 1134

Introduced by: Representatives Ahlers, Elliott, Gilson, and Halverson and Senators Peterson (Jim), Gant, and Koetzle

1 FOR AN ACT ENTITLED, An Act to require certain children to be in booster seats when in
2 motor 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 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
8 system shall meet Department of Transportation Motor Vehicle Safety Standard 213 as in effect
9 ~~January 1, 1981~~ at the time the system was manufactured. The requirements of this section are
10 met if the child is under five years of age and is at least forty pounds in weight by securing the
11 child in a ~~seat belt~~ booster seat properly secured by a lap and shoulder belt system. An operator
12 who violates this section commits a petty offense.

13 Section 2. That § 32-37-1.1 be amended to read as follows:

14 32-37-1.1. Any operator of a passenger vehicle operated on a public street or highway in this
15 state transporting a passenger who is at least five and ~~under~~ less than eight years of age or less



1 than fifty-two inches in height shall assure that the passenger is seated in a booster seat properly
2 secured by a lap and shoulder belt system. Any operator of a passenger vehicle operated on a
3 public street or highway in this state transporting a passenger who is at least eight years of age
4 or at least fifty-two inches in height and less than eighteen years of age shall assure that the
5 passenger is wearing a properly adjusted and fastened safety seat belt system, required to be
6 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 3. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 For the purposes of this chapter, the term, booster seat, means a backless child passenger
12 restraint system meeting the requirements of Federal Motor Vehicle Safety Standard Number
13 213 (49 CFR 571.213), as in effect at the time the system was manufactured.