

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

806N0453

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB 1189** - 02/13/2007

Introduced by: Representatives Willadsen, Cutler, Dykstra, Gilson, Glenski, Hills, Nelson, Rausch, Steele, Street, and Weems and Senators Koetzle, Albers, McCracken, Olson (Ed), Smidt (Orville), and Sutton

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 and not later than January 1, 2006. The
10 requirements of this section are met if the child is under five years of age and is at least forty
11 pounds in weight by securing the child in a ~~seat belt~~ booster seat properly secured by a lap and
12 shoulder belt system. An operator 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



1 state transporting a passenger who is at least five and ~~under~~ less than eight years of age shall
2 assure that the passenger is seated in a booster seat properly secured by a lap and shoulder belt
3 system. If the passenger is less than eight years old and weighs at least eighty pounds or is at
4 least fifty-seven inches in height, a booster seat is not required, but the operator shall ensure that
5 the passenger is wearing a properly adjusted and fastened safety seat belt system as provided in
6 this section. Any operator of a passenger vehicle operated on a public street or highway in this
7 state transporting a passenger who is at least eight and less than eighteen years of age shall
8 assure that the passenger is wearing a properly adjusted and fastened safety seat belt system,
9 required to be installed in the passenger vehicle if manufactured pursuant to Federal Motor
10 Vehicle Safety Standard Number 208 (49 C.F.R. 571.208) as in effect January 1, ~~1989~~ 2006, at
11 all times when the vehicle is in motion. A violation of this section is a petty offense.

12 Section 3. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 For the purposes of this chapter, the term, booster seat, means a backless child passenger
15 restraint system meeting the requirements of Federal Motor Vehicle Safety Standard Number
16 213 (49 C.F.R 571.213), as in effect at the time the system was manufactured and not later than
17 January 1, 2006, or a belt-positioning seat meeting the requirements of Federal Motor Vehicle
18 Safety Standard Number 213 (49 C.F.R 571.213), as in effect at the time the seat was
19 manufactured and not later than January 1, 2006.

20 Section 4. Any person failing to secure a child in a booster seat pursuant to this Act may
21 only be issued a warning ticket.

22 Section 5. Enforcement of booster seat violations by state or local law enforcement agencies
23 shall be accomplished as a secondary action.