



2025 South Dakota Legislature

House Bill 1065

Introduced by: **Representative Jordan**

1 **An Act to repeal the requirement that an adult occupant of a motor vehicle in**
 2 **forward motion must wear a safety belt.**

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

4 **Section 1. That § 32-38-1 be REPEALED.**

5 ~~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~~
 7 ~~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~~
 10 ~~is in forward motion. The driver of the passenger vehicle shall secure or cause to be~~
 11 ~~secured a properly adjusted and fastened safety seat belt system on any passenger in the~~
 12 ~~front seat who is at least five years of age but younger than eighteen years of age. Any~~
 13 ~~violation of this section is not a moving traffic offense under the provisions of § 32-12-~~
 14 ~~49.1.~~

15 **Section 2. That § 32-38-2 be REPEALED.**

16 ~~For the purposes of this chapter, a passenger vehicle is any self-propelled vehicle~~
 17 ~~intended primarily for use and operation on a public highway including any passenger car,~~
 18 ~~station wagon, van, taxicab, emergency vehicle, motor home, truck, or pickup. The term~~
 19 ~~does not include any motorcycle, motor scooter, motor bicycle, electric bicycle, multi-~~
 20 ~~passenger quadricycle as defined in § 32-14-17, passenger bus, or school bus. The term~~
 21 ~~also does not include any farm tractor or implement of husbandry designed primarily or~~
 22 ~~exclusively for use in agricultural operations.~~

23 **Section 3. That § 32-38-3 be REPEALED.**

24 ~~The provisions of § 32-38-1 do not apply to:~~

- 1 ~~(1) Any occupant of a passenger vehicle manufactured before September 1, 1973;~~
2 ~~(2) Any occupant of a passenger vehicle who possesses a written statement from a~~
3 ~~doctor licensed under chapter 36-4 or 36-5 that the individual is unable for medical~~
4 ~~reasons to wear a safety seat belt system;~~
5 ~~(3) Any occupant of a vehicle not equipped with a safety seat belt system because~~
6 ~~federal law does not require that vehicle to be so equipped; or~~
7 ~~(4) Any rural carrier of the United States Postal Service while serving his rural postal~~
8 ~~route or any person delivering newspapers or periodicals on an assigned home~~
9 ~~delivery route.~~

10 **Section 4. That § 32-38-4 be REPEALED.**

11 ~~Failure to comply with the provisions of this chapter does not constitute~~
12 ~~contributory negligence, comparative negligence, or assumption of the risk. Failure to~~
13 ~~comply with the provisions of this chapter may not be introduced as evidence in any~~
14 ~~criminal litigation other than a prosecution under this chapter or in any civil litigation on~~
15 ~~the issue of injuries or on the issue of mitigation of damages.~~

16 **Section 5. That § 32-38-5 be REPEALED.**

17 ~~Enforcement of this chapter by state or local law enforcement agencies shall be~~
18 ~~accomplished as a secondary action. A violation of this chapter is a petty offense.~~