

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

563Q0590

SENATE BILL NO. 103

Introduced by: Senators Dempster, Heidepriem, Jerstad, Knudson, Tieszen, and Vehle and
Representatives Cutler and Engels

1 FOR AN ACT ENTITLED, An Act to provide for the primary enforcement of the seat belt law.

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

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

4 32-38-1. Except as provided in chapter 32-37 and § 32-38-3, every operator and front seat
5 passenger of a passenger vehicle operated on a public highway in this state shall wear a properly
6 adjusted and fastened safety seat belt system, required to be installed in the passenger vehicle
7 when manufactured pursuant to Federal Motor Vehicle Safety Standard Number 208 (49 C.F.R.
8 571.208) in effect January 1, 1989, at all times when the vehicle is in forward motion. The
9 driver of the passenger vehicle shall secure or cause to be secured a properly adjusted and
10 fastened safety seat belt system on any passenger in the front seat who is at least five years of
11 age but younger than eighteen years of age. Any violation of this section is a petty offense and
12 is not a moving traffic offense under the provisions of § 32-12-49.1.

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 That § 32-38-5 be repealed.

14 ~~— 32-38-5. Enforcement of this chapter by state or local law enforcement agencies shall be~~
15 ~~accomplished as a secondary action. A violation of this chapter is a petty offense.~~

