

# State of South Dakota

## SEVENTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 1999

806C0186

### SENATE BILL NO. 66

Introduced by: Senators Lawler, Brown (Arnold), Dunn (Rebecca), and Ham and  
Representatives Brown (Jarvis), Diedtrich (Elmer), Duniphan, and Kooistra

1 FOR AN ACT ENTITLED, An Act to prohibit passengers in the unenclosed cargo area of  
2 certain vehicles unless certain conditions are met.

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

4 Section 1. No driver of a pickup truck, truck, trailer, or semitrailer may knowingly permit  
5 any person who has not attained the age of eighteen years to ride in the unenclosed or unroofed  
6 cargo storage area of the vehicle if the vehicle is traveling faster than twenty-five miles per hour,  
7 unless either of the following applies:

8 (1) The cargo storage area of the vehicle is equipped with a properly secured seat to  
9 which is attached a safety seat belt system that is in compliance with federal standards,  
10 the seat and safety seat belt system were installed at the time the vehicle was originally  
11 assembled, and the person riding in the cargo storage area is in the seat and is wearing  
12 the seat belt; or

13 (2) An emergency exists that threatens the life of the driver or the person being  
14 transported in the cargo storage area of the pickup truck, truck, trailer, or semitrailer.

15 Any violation of this section is a Class 2 misdemeanor.

16 Section 2. No driver of a pickup truck, truck, trailer, or semitrailer may permit any person,

1    except any worker performing specialized highway or street maintenance or construction under  
2    authority of a public agency, to ride in the cargo storage area or on a tailgate of the vehicle while  
3    the tailgate is unlatched. Any violation of this section is a Class 2 misdemeanor.