

AN ACT

ENTITLED, An Act to require certain children to be in booster seats when in motor vehicles.

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

Section 1. That § 32-37-1 be amended to read as follows:

32-37-1. Any operator of any passenger vehicle transporting a child under five years of age on the streets and highways of this state shall properly secure the child in a child passenger restraint system according to its manufacturer's instructions. The child passenger restraint system shall meet Department of Transportation Motor Vehicle Safety Standard 213 as in effect at the time the system was manufactured and not later than January 1, 2006. The requirements of this section are met if the child is under five years of age and is at least forty pounds in weight by securing the child in a booster seat properly secured by a lap and shoulder belt system. An operator who violates this section commits a petty offense.

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

32-37-1.1. Any operator of a passenger vehicle operated on a public street or highway in this state transporting a passenger who is at least five and less than eight years of age shall assure that the passenger is seated in a booster seat properly secured by a lap and shoulder belt system. If the passenger is less than eight years old and weighs at least eighty pounds or is at least fifty-seven inches in height, a booster seat is not required, but the operator shall ensure that the passenger is wearing a properly adjusted and fastened safety seat belt system as provided in this section. Any operator of a passenger vehicle operated on a public street or highway in this state transporting a passenger who is at least eight and less than eighteen years of age shall assure that the passenger is wearing a properly adjusted and fastened safety seat belt system, required to be installed in the passenger vehicle if manufactured pursuant to Federal Motor Vehicle Safety Standard Number 208 (49 C.F.R. 571.208) as in effect January 1, 2006, at all times when the vehicle is in motion. A

violation of this section is a petty offense.

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

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

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

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

An Act to require certain children to be in booster seats when in motor vehicles.

\_\_\_\_\_  
I certify that the attached Act  
originated in the

HOUSE as Bill No. 1189

\_\_\_\_\_  
Chief Clerk  
\_\_\_\_\_

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1189

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
\_\_\_\_\_

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

\_\_\_\_\_  
STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State