



2025 South Dakota Legislature

Senate Bill 165

Introduced by: **Senator Larson**

1 **An Act to revise and repeal certain provisions related to the wearing of a safety seat**
2 **belt and to provide a penalty therefor.**

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

4 **Section 1. That § 32-37-1 be AMENDED:**

5 **32-37-1.** Any operator of ~~any~~ a passenger vehicle operated on a highway, as
6 defined in § 31-1-1, transporting a child under five years of age ~~on the streets and~~
7 ~~highways of this state,~~ shall properly secure the child in a child passenger restraint system
8 according to its manufacturer's instructions. The child passenger restraint system ~~shall~~
9 must meet ~~Department of Transportation~~ Federal Motor Vehicle Safety Standard 213 ~~as~~
10 ~~in effect,~~ 49 C.F.R. § 571.213 (January 1, 1981). ~~The~~ If the child is under five years of
11 age and is at least forty pounds in weight, the requirements of this section are met ~~if the~~
12 ~~child is under five years of age and is at least forty pounds in weight~~ by securing the child
13 in a seat belt. ~~An operator who violates~~ A violation of this section ~~commits a petty offense~~
14 is a Class 2 misdemeanor.

15 **Section 2. That § 32-37-1.1 be AMENDED:**

16 **32-37-1.1.** Any operator of a passenger vehicle operated on ~~a public street or~~
17 ~~highway in this state,~~ as defined in § 31-1-1, transporting a passenger who is at least five
18 years of age and under eighteen years of age, shall assure that the passenger is wearing
19 a properly adjusted and fastened safety seat belt system, required to be installed in the
20 passenger vehicle if manufactured pursuant to Federal Motor Vehicle Safety Standard
21 Number 208 ~~(, § 49 C.F.R. 571.208) in effect~~ (January 1, 1989), at all times when the
22 vehicle is in motion. A violation of this section is ~~a petty offense~~ Class 2 misdemeanor.

23 **Section 3. That § 32-37-1.2 be AMENDED:**

1 **32-37-1.2.** Any operator of ~~any~~ a passenger vehicle operated on a public ~~street~~
2 ~~or highway in this state, as defined in § 31-1-1,~~ who is at least fourteen years of age and
3 under eighteen years of age, shall wear a properly adjusted and fastened safety seat belt
4 system, required to be installed in the passenger vehicle if manufactured pursuant to
5 Federal Motor Vehicle Safety Standard Number 208-~~(, § 49 C.F.R. 571.208)~~ in effect
6 (January 1, 1989), at all times when the vehicle is in motion. A violation of this section is
7 a ~~petty offense~~ Class 2 misdemeanor.

8 **Section 4. That § 32-37-1.3 be AMENDED:**

9 **32-37-1.3.** Any passenger of ~~any~~ a passenger vehicle operated on a public ~~street~~
10 ~~or highway in this state, as defined in § 31-1-1,~~ who is at least fourteen years of age and
11 under eighteen years of age, shall wear a properly adjusted and fastened safety seat belt
12 system, required to be installed in the passenger vehicle if manufactured pursuant to
13 Federal Motor Vehicle Safety Standard Number 208-~~(, § 49 C.F.R. 571.208)~~ in effect
14 (January 1, 1989), at all times when the vehicle is in motion. A violation of this section is
15 a ~~petty offense~~ Class 2 misdemeanor.

16 **Section 5. That § 32-38-1 be AMENDED:**

17 **32-38-1.** Except as provided in chapter 32-37 and § 32-38-3, every operator and
18 front seat passenger of a passenger vehicle operated on a ~~public highway in this state, as~~
19 ~~defined in § 31-1-1,~~ shall wear a properly adjusted and fastened safety seat belt system,
20 required to be installed in the passenger vehicle ~~when~~ if manufactured pursuant to Federal
21 Motor Vehicle Safety Standard Number 208-~~(, § 49 C.F.R. 571.208)~~ in effect (January 1,
22 1989), at all times when the vehicle is in forward motion. ~~The driver of the passenger~~
23 ~~vehicle shall secure or cause to be secured a properly adjusted and fastened safety seat~~
24 ~~belt system on any passenger in the front seat who is at least five years of age but younger~~
25 ~~than eighteen years of age. Any~~ A violation of this section is a Class 2 misdemeanor.

26 A violation of this section is not a moving traffic offense under the provisions of
27 § 32-12-49.1.

28 **Section 6. That § 32-38-5 be REPEALED.**

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