

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

464R0704

## HOUSE BILL NO. 1256

Introduced by: Representatives Cutler, Engels, Hunhoff (Bernie), and Tidemann and  
Senators Dempster, Heidepriem, Jerstad, and Vehle

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the enforcement of  
2 the requirement to wear a seat belt in a motor vehicle.

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

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

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

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 That § 32-38-5 be repealed.

15 ~~32-38-5. Enforcement of this chapter by state or local law enforcement agencies shall be~~



1 ~~accomplished as a secondary action. A violation of this chapter is a petty offense.~~

2 Section 3. That chapter 32-38 be amended by adding thereto a NEW SECTION to read as  
3 follows:

4 For the purposes of this chapter, a passenger bus means any self-propelled vehicle used on  
5 a highway to transport passengers if the passenger bus:

6 (1) Has a gross vehicle weight rating, or gross vehicle weight, of ten thousand one  
7 pounds or more, whichever is greater; or

8 (2) Is designed or used to transport more than fifteen passengers, including the driver.

9 Section 4. The provisions of § 32-38-1 do not apply to any motor vehicle operated on private  
10 property.