

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

471S0111

HOUSE BILL NO. 1186

Introduced by: Representatives Elliott, Blake, Fargen, Feickert, Jones, and Schrempp and
Senators Nygaard, Hundstad, and Sutton

1 FOR AN ACT ENTITLED, An Act to require certain children to be in booster seats when in
2 motor vehicles.

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

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

5 32-37-1. Any operator of any passenger vehicle transporting a child under five years of age
6 on the streets and highways of this state shall properly secure the child in a child passenger
7 restraint system according to its manufacturer's instructions. The child passenger restraint
8 system shall meet Department of Transportation Motor Vehicle Safety Standard 213 as in effect
9 January 1, 1981. ~~The requirements of this section are met if the child is under five years of age~~
10 ~~and is at least forty pounds in weight by securing the child in a seat belt at the time the system~~
11 was manufactured. An operator who violates this section commits a petty offense.

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

13 32-37-1.1. Any operator of a passenger vehicle operated on a public street or highway in this
14 state transporting a passenger who is at least five years of age and under who is either less than
15 nine years of age or less than fifty-seven inches in height shall ensure that the passenger is



1 seated in a booster seat properly secured by a lap and shoulder belt system. Any operator of a
2 passenger vehicle operated on a public street or highway in this state transporting a passenger
3 who is either nine years of age or older or at least fifty-seven inches in height and who is less
4 than eighteen years of age shall ~~assure~~ ensure that the passenger is wearing a properly adjusted
5 and fastened safety seat belt system, required to be installed in the passenger vehicle if
6 manufactured pursuant to Federal Motor Vehicle Safety Standard Number 208 (49 C.F.R.
7 571.208) ~~in effect January 1, 1989~~, at all times when the vehicle is in motion. A violation of this
8 section is a petty offense.

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

11 If any person is cited for a petty offense for a violation of § 32-37-1.1 because the vehicle
12 is not equipped with a booster seat, and if the person installs a booster seat within two weeks
13 of the citation, no fine may be assessed in connection with the petty offense. If the person
14 installs a booster seat within two weeks of the citation, but has already paid a fine or deposit
15 for the petty offense, the person may be reimbursed for the amount of the fine or deposit by
16 presenting the receipt for the purchase of the booster seat to the clerk of courts in the county in
17 which the fine was collected.

18 Section 4. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 For the purposes of this chapter, the term, booster, seat, means a backless child passenger
21 restraint system meeting the requirements of Federal Motor Vehicle Safety Standard Number
22 213 (49 C.F.R. 572.213), as in effect at the time the system was manufactured.