

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

194Z0583

HOUSE BILL NO. 1229

Introduced by: Representatives Hawley, Ahlers, Barthel, Bartling, Bordeaux, Kettwig, Lesmeister, Lust, McCleerey, Otten (Herman), Ring, Rozum, Smith, Wismer, and York and Senators Tidemann, Kennedy, and Rusch

1 FOR AN ACT ENTITLED, An Act to provide for the primary enforcement of the seat belt law
2 and to revise the penalty for a violation of that law.

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

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

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 Class 2
13 misdemeanor and is not a moving traffic offense under the provisions of § 32-12-49.1.

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 That § 32-38-5 be repealed.



1 ~~32-38-5. Enforcement of this chapter by state or local law enforcement agencies shall be~~
2 ~~accomplished as a secondary action. A violation of this chapter is a petty offense.~~