

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 27B

INFANT/CHILD PASSENGER RESTRAINT CODE

S.W.S.T. CODE

Amendment

New Adoption

Judicial Approved

04-24-91

Council Adopted

05-07-91

27B-01-01 INTENT

For the purpose of this Code, a passenger vehicle is any motor vehicle with motive power designed for carrying ten passengers, or fewer, but does not include a motorcycle or trailer.

27B-02-01 INFANT/CHILD PASSENGER RESTRAINTS

Any driver of an infant or child five (5) years of age or younger, when transporting the child in a commercial or private motor vehicle operated on any street, road, or highway on the Sisseton-Wahpeton Sioux Reservation, shall properly secure the child in an approved child passenger restraint system. The restraint system shall meet Federal Motor Vehicle Safety Standard Number 213, which requires the following information:

1. On a permanent label attached to the restraint, the Statement "This child restraint system conforms to all applicable Federal Motor Vehicle Safety Standards"; and,
2. On a permanent label, attached to the restraint, the manufacturer's recommendations of the minimum and maximum weight and height of the children who can safely occupy the system; and,
3. Printed installation instructions with step-by-step procedures, including diagrams of installing the system in motor vehicle, positioning the child in the system and adjusting the system to fit the child.

27B-03-01 CERTAIN VEHICLES EXEMPT

The provisions of Section 27B-02-01 of this Code do not apply to:

1. Any occupant of a passenger vehicle manufactured before September 1, 1973; and,
2. An occupant of a vehicle not equipped with a safety seatbelt system because federal law does not require that vehicle to be so equipped (school bus); and,

3. Any rural carrier of the United States Postal Service while serving his rural postal route.

27B-03-02 Any person who violates 27B-02-01 is guilty of a petty offense.

27B-04-01 NOT APPLICABLE UNDER CERTAIN CONDITIONS
The provisions of this Code do not apply:

1. If all seat positions equipped with child passenger safety seat systems of safety seatbelts are occupied.
2. In passenger cars manufactured before 1966 that have not been equipped with safety seatbelts.

27B-05-01 FAILURE TO COMPLY
Failure to comply with the provisions of this Code does not constitute contributory negligence, comparative negligence or assumption of the risk. Failure to comply with the provisions of this Code may not be introduced as evidence in any criminal litigation other than a prosecution under this Code or in any civil litigation on the issue of injuries or on the issue of mitigation of damages.

27B-06-01 ENFORCEMENT
Enforcement of this Code by Tribal Law Enforcement Officers shall be accomplished as a primary action if the police officer suspects children under the age of five (5) years of age are not properly restrained in a moving vehicle.

27B-07-01 PENALTY
Any person violating the provisions of this Code is guilty of a petty offense and is punishable by a fine not to exceed \$37.50. The effective date of this Section should be June 1, 1990.

S.W. 37B-08-01 SEVERABILITY
 Amendment
 New Adoption
Judicial Approved
02-24-88
Council Adopted
03-01-88
If any clause, sentence, paragraph, section, or part of this Code shall, for any reason, be adjudicated by any Court of competent jurisdiction to be invalid or unconstitutional such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgement shall have been rendered.