

S.W.S.T. CODE
 Amendment
 New Adoption
Judicial Approved
04-29-94
Council Adopted
05-04-94

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 27C

USE OF A SAFETY SEAT BELT SYSTEM IN PASSENGER VEHICLES

27C-01-01

INTENT

For the purpose of this Code, a passenger vehicle is any self-propelled vehicle intended primarily for use and operation on the public highways including passenger cars, station wagons, vans, taxicabs, emergency vehicles, motor homes, trucks, and pickups. The term does not include motorcycles, motor scooters, motor bicycles, motorized bicycles, passenger buses, and school buses. The term also does not include farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

27C-02-01

PASSENGER RESTRAINTS

Every operator and front seat passenger of a passenger vehicle, including pickup trucks and vans, operated on a Tribal road within the jurisdiction of the Sisseton-Wahpeton Law Enforcement, shall wear a properly adjusted and fastened safety seat belt system. These seat belt systems are required to be installed in the passenger vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) in effect January 01, 1989, at all times when the vehicle is in forward motion. The driver of the passenger vehicle shall secure or cause to be secured a properly adjusted and fastened safety seat belt system on any passenger in the front seat who is at least five years of age but younger than eighteen years of age. Any violation of this Section is not a moving traffic offense.

27C-03-01

THE PROVISIONS OF 27C-02-01 OF THIS CODE DO NOT APPLY TO:

1. Any occupant of a passenger vehicle manufactured before September 01, 1973;
2. Any occupant of a passenger vehicle who possesses a written statement from a doctor licensed under Chapter 36-4 or 36-5 that the individual is unable for medical reasons to wear a safety seat belt system;
3. Any occupant of a vehicle not equipped with a safety seat belt system because federal law does not require that vehicle to be so equipped; or

4. Any rural carrier of the United States postal service while serving his rural postal route or lay person delivering newspapers or periodicals on an assigned home delivery route.

27C-04-01

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 the issue of injuries or on the issue of mitigation of damages.

27C-05-01

Enforcement of this Code by Tribal Law Enforcement agencies shall be accomplished as a primary action. A violation of the Code is a petty offense.

27C-06-01

The effective date of 27C-05-01 is October 01, 1994.

27C-07-01

SEVERABILITY

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.

U.S. CODE

Amendment

New Adoption

Judicial Approved

02-24-89

Council Adopted

03-01-88