

SENATE FILE

498

BY COMMITTEE ON TRANSPORTATION

55B250

Approved (of 907)

FILED MAR 20 1985

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act allowing the state department of transportation to issue
 2 a certificate of exemption from child restraint requirements
 3 when the department finds the nature of particular nonfamily
 4 uses makes compliance impracticable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

87 498

1 Section 1. Section 321.446, subsection 3, Code 1985, is
2 amended to read as follows:

3 3. This section does not apply to nonresidents of Iowa or
4 to peace officers acting on official duty. This section also
5 does not apply to the transportation of children in 1965 model
6 year or older vehicles. This section does not apply to the
7 transportation of a child who has been certified by a
8 physician licensed under chapter 148, 150, or 150A as having a
9 medical, physical, or mental condition which prevents or makes
10 inadvisable securing the child in a child restraint system,
11 safety belt or safety harness. This section does not apply to
12 an owner or driver of a motor vehicle who has in immediate
13 possession a valid certificate of exemption issued under
14 subsection 7 while operating the motor vehicle for the
15 particular nonfamily uses for which the exemption was issued.

16 Sec. 2. Section 321.446, Code 1985, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 7. An owner or driver of a motor vehicle
19 may apply to the department for a limited certificate of
20 exemption from the requirements of this section for a motor
21 vehicle which is regularly used to transport groups of persons
22 other than members of the family of the applicant. The
23 department may grant the certificate of exemption if the
24 department finds that because of the nature of the particular
25 nonfamily use or uses of the motor vehicle, it would be
26 impracticable to comply with this section. If granted, the
27 certificate of exemption shall be limited to those particular
28 nonfamily uses of the vehicle. A certificate of exemption
29 shall remain in effect for one year from the date of issuance.
30 Upon the application of the owner or driver of the motor
31 vehicle, the certificate of exemption may be renewed by the
32 department for subsequent one-year periods upon a showing that
33 circumstances justifying continuation of the limited exemption
34 remain present. A single certificate may cover multiple
35 vehicles operated by one owner or driver. The department

1 shall adopt rules pursuant to chapter 17A as necessary to
2 implement this subsection. The department may charge a fee
3 not to exceed ten dollars for processing each original or
4 renewal application for a certificate of exemption.

5 EXPLANATION

6 This bill allows the owner or driver of a motor vehicle to
7 apply to the state department of transportation for a
8 certificate of exemption exempting the applicant from the
9 child restraint provisions of section 321.446 while operating
10 the vehicle for particular nonfamily uses for which the
11 exemption was issued. The department may issue the
12 certificate of exemption if it finds that because of the
13 nature of the nonfamily use or uses of the motor vehicle, it
14 would be impracticable to comply with the child restraint
15 requirements. The certificate of exemption shall be issued
16 for one-year periods and the department may charge up to a ten
17 dollar fee for each application.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SSB 250
Transportation

SSB 250

TRANSPORTATION: A. Miller, Chair; Nystrom and Doyle

New SF 408

SENATE FILE _____

BY (PROPOSED COMMITTEE ON TRANSPORTATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing the state department of transportation to issue
2 a certificate of exemption from child restraint requirements
3 when the department finds the nature of particular nonfamily
4 uses makes compliance impracticable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section 321.446, subsection 3, Code 1985, is
2 amended to read as follows:

3 3. This section does not apply to nonresidents of Iowa or
4 to peace officers acting on official duty. This section also
5 does not apply to the transportation of children in 1965 model
6 year or older vehicles. This section does not apply to the
7 transportation of a child who has been certified by a
8 physician licensed under chapter 148, 150, or 150A as having a
9 medical, physical, or mental condition which prevents or makes
10 inadvisable securing the child in a child restraint system,
11 safety belt or safety harness. This section does not apply to
12 an owner or driver of a motor vehicle who has in immediate
13 possession a valid certificate of exemption issued under
14 subsection 7 while operating the motor vehicle for the
15 particular nonfamily uses for which the exemption was issued.

16 Sec. 2. Section 321.446, Code 1985, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 7. An owner or driver of a motor vehicle
19 may apply to the department for a limited certificate of
20 exemption from the requirements of this section for a motor
21 vehicle which is regularly used to transport groups of persons
22 other than members of the family of the applicant. The
23 department may grant the certificate of exemption if the
24 department finds that because of the nature of the particular
25 nonfamily use or uses of the motor vehicle, it would be
26 impracticable to comply with this section. If granted, the
27 certificate of exemption shall be limited to those particular
28 nonfamily uses of the vehicle. A certificate of exemption
29 shall remain in effect for one year from the date of issuance.
30 Upon the application of the owner or driver of the motor
31 vehicle, the certificate of exemption may be renewed by the
32 department for subsequent one-year periods upon a showing that
33 circumstances justifying continuation of the limited exemption
34 remain present. A single certificate may cover multiple
35 vehicles operated by one owner or driver. The department

1 shall adopt rules pursuant to chapter 17A as necessary to
2 implement this subsection. The department may charge a fee
3 not to exceed ten dollars for processing each original or
4 renewal application for a certificate of exemption.

5 EXPLANATION

6 This bill allows the owner or driver of a motor vehicle to
7 apply to the state department of transportation for a
8 certificate of exemption exempting the applicant from the
9 child restraint provisions of section 321.446 while operating
10 the vehicle for particular nonfamily uses for which the
11 exemption was issued. The department may issue the
12 certificate of exemption if it finds that because of the
13 nature of the nonfamily use or uses of the motor vehicle, it
14 would be impracticable to comply with the child restraint
15 requirements. The certificate of exemption shall be issued
16 for one-year periods and the department may charge up to a ten
17 dollar fee for each application.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35