

Reprinted

SENATE FILE 499

BY COMMITTEE ON TRANSPORTATION

55B 247

Approved (p. 207)

FILED MAR 20 1985

Passed Senate, Date 3-27-85 (p. 1080) Passed House, Date 1-30-86 (p. 207)

Vote: Ayes 26 Nays 23 Vote: Ayes 62 Nays 38

Approved February 20, 1986 (p. 396)

Motor Vehicle (p. 1081) 2/18 4/2

A BILL FOR

1 An Act establishing applicable standards for motor vehicle
 2 safety belts and safety harnesses, mandating safety belt
 3 and safety harness use with certain exceptions, requiring
 4 the establishment of education programs, and providing a
 5 penalty.

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

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664 ES

1 Section 1. Section 321.210, Code 1985, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The department shall not
4 consider nor assess points for violations of section 321.445
5 in determining a motor vehicle license suspension, revocation
6 or cancellation.

7 Sec. 2. Section 321.445, Code 1985, is amended by striking
8 the section and inserting in lieu thereof the following:

9 321.445 SAFETY BELTS AND SAFETY HARNESSSES -- USE REQUIRED.

10 1. Except for motorcycles or motorized bicycles, motor
11 vehicles subject to registration in Iowa shall be equipped
12 with safety belts and safety harnesses of a type and installed
13 in a manner approved by rules adopted by the department
14 pursuant to chapter 17A. The department shall adopt rules
15 regarding the types of safety belts and safety harnesses
16 required to be installed in motor vehicles and the manner in
17 which they are installed. The rules shall conform with
18 federal motor vehicle safety standard numbers 209 and 210 as
19 published in 49 C.F.R. §§ 571.209-571.210 and with prior
20 federal motor vehicle safety standards for seat belt
21 assemblies and seat belt assembly anchorages applicable for
22 the motor vehicle's model year. The department may adopt
23 rules which comply with changes in the applicable federal
24 motor vehicle safety standards with regard to the type of
25 safety belts and safety harnesses and their manner of
26 installation.

27 2. The driver and front seat occupants of a motor vehicle
28 subject to registration in Iowa, except a motorcycle or a
29 motorized bicycle, shall each wear a properly adjusted and
30 fastened safety belt or safety harness any time the vehicle is
31 in forward motion on a street or highway in this state except
32 that a child under six years of age shall be secured as
33 required under section 321.446.

34 This subsection does not apply to:

35 a. The driver or front seat occupants of a motor vehicle

1 which is not required to be equipped with safety belts or
2 safety harnesses under rules adopted by the department.

3 b. The driver and front seat occupants of a motor vehicle
4 who are actively engaged in work which requires them to alight
5 from and reenter the vehicle at frequent intervals, providing
6 the vehicle does not exceed twenty-five miles per hour between
7 stops.

8 c. The driver of a motor vehicle while performing duties
9 as a rural letter carrier for the United States postal
10 service. This exemption applies only between the first
11 delivery point after leaving the post office and the last
12 delivery point before returning to the post office.

13 d. Passengers on a bus.

14 e. A person possessing a written certification from a
15 physician on a form provided by the department that the person
16 is unable to wear a safety belt or safety harness due to
17 physical or medical reasons. The certification shall specify
18 the time period for which the exemption applies. The time
19 period shall not exceed twelve months, at which time a new
20 certification may be issued.

21 During the six-month period from July 1, 1985 through
22 December 31, 1985, peace officers shall issue only warning
23 citations for violations of this subsection, except this does
24 not apply to drivers subject to the federal motor carrier
25 safety regulation 49 C.F.R. § 392.16.

26 The department, in cooperation with the department of
27 public safety and the department of public instruction, shall
28 establish educational programs to foster compliance with the
29 safety belt and safety harness usage requirements of this
30 subsection.

31 The fact of use, or nonuse, of a safety belt or a safety
32 harness by a person is not admissible or material as evidence
33 in a civil action brought for damages.

34 3. The driver and front seat passengers may be each
35 charged separately for improperly used or nonused equipment

1 under subsection 2. The owner of the motor vehicle may be
2 charged for equipment violations under subsection 1.

3 Sec. 3. Section 321.555, subsection 2, Code 1985, is
4 amended to read as follows:

5 2. Six or more of any separate and distinct offenses
6 within a two-year period in the operation of a motor vehicle,
7 which are required to be reported to the department by section
8 321.207 or chapter 321C, except equipment violations, parking
9 violations as defined in section 321.210, violations of
10 registration laws, violations of ~~section~~ sections 321.445 and
11 321.446, operating a vehicle with an expired license or
12 permit, failure to appear, weights and measures violations and
13 speeding violations of less than fifteen miles per hour over
14 the legal speed limit.

15 Sec. 4. Section 805.8, subsection 2, paragraph c, Code
16 1985, is amended to read as follows:

17 c. For improperly used or nonused, or defective or
18 improper equipment, other than brakes, driving lights and
19 brakelights, under sections 321.317, 321.387, 321.388,
20 321.389, 321.390, 321.391, 321.392, 321.393, 321.422, 321.432,
21 321.436, 321.437, 321.438, subsection 1 or 3, 321.439,
22 321.440, 321.441, 321.442, 321.444~~7~~-~~321~~-445 and 321.447, the
23 scheduled fine is ten dollars.

24 Sec. 5. Section 805.8, subsection 2, Code 1985, is amended
25 by adding the following new lettered paragraph:

26 NEW LETTERED PARAGRAPH. For improperly used or nonused, or
27 defective or improper equipment, under section 321.445, the
28 scheduled fine is twenty-five dollars.

29 EXPLANATION

30 This bill requires the state department of transportation
31 to adopt national standards for safety belts and safety
32 harnesses and mandates the use of safety belts or safety
33 harnesses by the vehicle driver and front seat occupants with
34 certain exceptions. The bill requires that an education
35 program be established to foster compliance with the mandatory

1 safety belt law. The bill requires that peace officers issue
2 only warning citations for violations of the mandatory safety
3 belt law from July 1, 1985 through December 31, 1985, unless
4 the driver is subject to federal motor carrier safety
5 regulations requiring the use of safety belts. The bill
6 prohibits consideration of mandatory safety belt violations in
7 motor vehicle license suspensions, revocations or
8 cancellations and exempts such violations in determinations of
9 habitual offender status under section 321.555. The scheduled
10 fine for violations of the mandatory safety belt law
11 (excluding child restraint violations), is twenty-five dollars,
12 subject to surcharge.

13 The bill also may affect the applicability of national
14 safety standards. In 1977 the national highway traffic safety
15 administration issued a motor vehicle safety standard which
16 required either automatic seat belts or air bags in new 1982
17 model large cars and in all cars beginning with the 1984 model
18 year. In 1981, however, the administration rescinded the
19 standard. In 1983, the United States supreme court ruled that
20 the rescission of the passive restraint requirement was
21 arbitrary and capricious since the agency failed to present an
22 adequate basis and explanation for rescinding the standard.
23 The court ordered the national highway traffic safety
24 administration to reconsider its rescission. In 1984 the
25 administration issued a new safety standard that requires all
26 1990 model year passenger cars to be equipped with automatic
27 restraints (either automatic seat belts or air bags) with a
28 phase-in beginning with 1987 model year passenger cars.
29 However, the standard is to be rescinded if by April 1, 1989,
30 state mandatory safety belt usage laws meeting the minimum
31 criteria established by the administration have been enacted
32 applicable to not less than two thirds of the total population
33 of the United States based on current census population
34 estimates. According to the most recent estimates of
35 population by the census bureau, Iowa's population comprises

1 1.2 percent of the United States' population. This bill,
2 however, does not meet the minimum criteria for state
3 mandatory safety belt usage laws as set by federal rule.

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- 1 Amend Senate File 499 as follows:
2 1. Page 2, by striking lines 21 through 25.
3 2. Page 2, by striking lines 26 through 30.
4 3. Page 3, by inserting after line 28 the
5 following:
6 "Sec. _____. This Act takes effect January 1, 1989.
7 However, the department, in cooperation with the
8 department of public safety and the department of
9 public instruction, shall by January 1, 1986,
10 establish educational programs to encourage safety
11 belt and safety harness usage in motor vehicles
12 operated on the highways of this state."
13 4. Title page, line 5, by inserting after the
14 word "penalty" the words "and effective date".
15 5. Renumber as necessary.

S-3537 Filed March 27, 1985

By HUSAK, HOLDEN & GRATIAS

Revised 3/27 (p. 1080)

S-3558

SENATE FILE 499

- 1 Amend Senate File 499 as follows:
2 1. Page 2, by inserting after line 20 the
3 following:
4 "_____. The driver and front seat passenger of an
5 authorized emergency vehicle."
6 2. Renumber paragraphs as necessary.

S-3558 Filed March 29, 1985

By JUNKINS

Revised 4/2/85 (p. 1179)

S-3473

SENATE FILE 499

- 1 Amend Senate File 499 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 104A.3, subsection 6, Code
 5 1985, is amended to read as follows:
 6 6. At each floor level which is accessible to the
 7 physically handicapped and on which public toilet or
 8 bathroom facilities are provided, those facilities
 9 shall be accessible to the physically handicapped. In
 10 each such public toilet or bathroom where functional
 11 equipment such as mirrors, basins, towel dispensers,
 12 and similar types of equipment are furnished, at least
 13 one of each type of functional equipment shall be
 14 accessible to the physically handicapped. Each toilet
 15 stool provided for the physically handicapped shall be
 16 equipped with a safety belt which shall be of a size
 17 to accommodate an adult person and which shall be
 18 designed and installed for use in a manner to
 19 substantially prevent movement of the person using the
 20 safety belt."
 21 2. Title page, line 2, by inserting after the word
 "belt" the words "installation and safety belt".
 3. Renumber as necessary.

S-3473 Filed March 25, 1985

By LIND

Revised not german 3/26 (p. 1050)

S-3496

SENATE FILE 499

- 1 Amend Senate File 499 as follows:
 2 1. Page 2, by inserting after line 20 the
 3 following:
 4 "f. The driver or front seat occupants of a motor
 5 vehicle equipped with an operable passive air bag
 6 restraint system for the driver and front seat
 7 occupants."

S-3496 Filed March 26, 1985

By COLEMAN

Adopted 3/26 (p. 1050)

S-3503

SENATE FILE 499

- 1 Amend Senate File 499 as follows:
 2 1. Page 2, by striking lines 31 through 33.

S-3503 Filed March 26, 1985

By HOLDEN

Done 3/26 (p. 1051)

S-3447

SENATE FILE 499

- 1 Amend Senate File 499 as follows:
- 2 1. Page 3, line 28, by striking the word "twenty-
- 3 five" and inserting the word "ten".

S-3447 Filed March 22, 1985
Adopted 3/26 (p. 1051)

By DOYLE, COLEMAN, COLTON &
GETTINGS

S-3451

SENATE FILE 499

- 1 Amend Senate File 499 as follows:
- 2 1. Page 3, by inserting after line 28 the
- 3 following:
- 4 "Sec. _____. This Act takes effect only at such time
- 5 as state mandatory safety belt usage laws have been
- 6 enacted that meet the federal minimum criteria for
- 7 state mandatory safety belt usage laws under 49 Fed.
- 8 Reg. 29,010 (1984) (to be codified at 49 C.F.R.
- 9 §571.208 S4.1.5.2) which are applicable to at least
- 10 fifty percent of the total population of the fifty
- 11 states and the District of Columbia based on the most
- 12 recent Estimates of the Resident Population of States,
- 13 by Age, Current Population Reports, Series P-25,
- 14 published by the bureau of the census, United States
- 15 department of commerce."
- 16 2. Title page, line 5, by inserting after the
- 17 word "penalty" the words "and effective date".

S-3451 Filed March 22, 1985
Done 3/26 (p. 1051)

By COLEMAN

S-3468

SENATE FILE 499

- 1 Amend Senate File 499 as follows:
- 2 1. Page 1, by striking lines 22 through 26 and
- 3 inserting the following: "the motor vehicle's model
- 4 year."
- 5 2. Page 1, line 27, by striking the words "driver
- 6 and front seat".
- 7 3. Page 1, line 35, by striking the words "driver
- 8 and front seat".
- 9 4. Page 2, line 3, by striking the words "driver
- 10 and front seat".
- 11 5. Page 2, line 34, by striking the words "driver
- 12 and front seat passengers" and inserting the words
- 13 "occupants of a motor vehicle".

S-3468 Filed March 25, 1985
Done 3/26 (p. 1050)

By HOLDEN

Plan Dranoff 4/2/85 Amend (5051) & L.S. Pass 1/22/86 (p. 125)

SENATE FILE 499

BY COMMITTEE ON TRANSPORTATION

(AS AMENDED AND PASSED BY THE SENATE MARCH 27, 1985)

Re Passed Senate, Date 3-12-86 (p. 302) Passed House, Date 1-30-86 (p. 207)

Vote: Ayes 27 Nays 20 Vote: Ayes 62 Nays 38

Approved February 20, 1986 (p. 396)

A BILL FOR

1 An Act establishing applicable standards for motor vehicle
2 safety belts and safety harnesses, mandating safety belt
3 and safety harness use with certain exceptions, requiring
4 the establishment of education programs, and providing a
5 penalty.

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

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————— = New Language
by the Senate

1 Section 1. Section 321.210, Code 1985, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The department shall not
4 consider nor assess points for violations of section 321.445
5 in determining a motor vehicle license suspension, revocation
6 or cancellation.

7 Sec. 2. Section 321.445, Code 1985, is amended by striking
8 the section and inserting in lieu thereof the following:

9 321.445 SAFETY BELTS AND SAFETY HARNESSSES -- USE REQUIRED.

10 1. Except for motorcycles or motorized bicycles, motor
11 vehicles subject to registration in Iowa shall be equipped
12 with safety belts and safety harnesses of a type and installed
13 in a manner approved by rules adopted by the department
14 pursuant to chapter 17A. The department shall adopt rules
15 regarding the types of safety belts and safety harnesses
16 required to be installed in motor vehicles and the manner in
17 which they are installed. The rules shall conform with
18 federal motor vehicle safety standard numbers 209 and 210 as
19 published in 49 C.F.R. §§ 571.209-571.210 and with prior
20 federal motor vehicle safety standards for seat belt
21 assemblies and seat belt assembly anchorages applicable for
22 the motor vehicle's model year. The department may adopt
23 rules which comply with changes in the applicable federal
24 motor vehicle safety standards with regard to the type of
25 safety belts and safety harnesses and their manner of
26 installation.

27 2. The driver and front seat occupants of a motor vehicle
28 subject to registration in Iowa, except a motorcycle or a
29 motorized bicycle, shall each wear a properly adjusted and
30 fastened safety belt or safety harness any time the vehicle is
31 in forward motion on a street or highway in this state except
32 that a child under six years of age shall be secured as
33 required under section 321.446.

34 This subsection does not apply to:

35 a. The driver or front seat occupants of a motor vehicle

1 which is not required to be equipped with safety belts or
2 safety harnesses under rules adopted by the department.

3 b. The driver and front seat occupants of a motor vehicle
4 who are actively engaged in work which requires them to alight
5 from and reenter the vehicle at frequent intervals, providing
6 the vehicle does not exceed twenty-five miles per hour between
7 stops.

8 c. The driver of a motor vehicle while performing duties
9 as a rural letter carrier for the United States postal
10 service. This exemption applies only between the first
11 delivery point after leaving the post office and the last
12 delivery point before returning to the post office.

13 d. Passengers on a bus.

14 e. A person possessing a written certification from a
15 physician on a form provided by the department that the person
16 is unable to wear a safety belt or safety harness due to
17 physical or medical reasons. The certification shall specify
18 the time period for which the exemption applies. The time
19 period shall not exceed twelve months, at which time a new
20 certification may be issued.

508/21 f. The driver or front seat occupants of a motor vehicle
22 equipped with an operable passive air bag restraint system for
23 the driver and front seat occupants.

508/2031 24 During the six-month period from July 1, 1985 through
25 December 31, 1985, peace officers shall issue only warning
26 citations for violations of this subsection, except this does
27 not apply to drivers subject to the federal motor carrier
28 safety regulation 49 C.F.R. § 392.16.

508/2032 29 The department, in cooperation with the department of
30 public safety and the department of public instruction, shall
31 establish educational programs to foster compliance with the
32 safety belt and safety harness usage requirements of this
33 subsection.

34 The fact of use, or nonuse, of a safety belt or a safety
35 harness by a person is not admissible or material as evidence

1 in a civil action brought for damages.

2 3. The driver and front seat passengers may be each
3 charged separately for improperly used or nonused equipment
4 under subsection 2. The owner of the motor vehicle may be
5 charged for equipment violations under subsection 1.

6 Sec. 3. Section 321.555, subsection 2, Code 1985, is
7 amended to read as follows:

8 2. Six or more of any separate and distinct offenses
9 within a two-year period in the operation of a motor vehicle,
10 which are required to be reported to the department by section
11 321.207 or chapter 321C, except equipment violations, parking
12 violations as defined in section 321.210, violations of
13 registration laws, violations of section sections 321.445 and
14 321.446, operating a vehicle with an expired license or
15 permit, failure to appear, weights and measures violations and
16 speeding violations of less than fifteen miles per hour over
17 the legal speed limit.

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18 Sec. 4. Section 805.8, subsection 2, paragraph c, Code
19 1985, is amended to read as follows:

20 c. For improperly used or nonused, or defective or
21 improper equipment, other than brakes, driving lights and
22 brakelights, under sections 321.317, 321.387, 321.388,
23 321.389, 321.390, 321.391, 321.392, 321.393, 321.422, 321.432,
24 321.435, 321.437, 321.438, subsection 1 or 3, 321.439,
25 321.440, 321.441, 321.442, 321.444, ~~321.445~~ and 321.447, the
26 scheduled fine is ten dollars.

27 Sec. 5. Section 805.8, subsection 2, Code 1985, is amended
28 by adding the following new lettered paragraph:

29 NEW LETTERED PARAGRAPH. For improperly used or nonused, or
30 defective or improper equipment, under section 321.445, the
31 scheduled fine is ten dollars.

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SENATE FILE 499

H-5052

- 1 Amend Senate File 499 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 2, by striking lines 24 through 28.
4 2. Page 2, by striking lines 29 through 33.
5 3. Page 3, by inserting after line 31 the
6 following:
7 "Sec. _____. This Act takes effect January 1, 1989.
8 However, the department, in cooperation with the
9 department of public safety and the department of
10 public instruction, shall by January 1, 1986,
11 establish educational programs to encourage safety
12 belt and safety harness usage in motor vehicles
13 operated on the highways of this state."
14 4. Title page, line 5, by inserting after the
15 word "penalty" the words "and effective date".
16 5. Renumber as necessary.

H-5052 FILED JANUARY 29, 1986 BY VAN CAMP of Scott

2/18 1/30 (p. 202)

SENATE FILE 499

H-5053

- 1 Amend the Committee amendment, H-5031, to Senate
2 File 499 as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 1, by striking line 20 and inserting the
5 following:
6 "_____. Page 3, line 31, by striking the word "ten"
7 and inserting the word "twenty-five"."
8 2. Page 1, by striking lines 21 through 23.

H-5053 FILED JANUARY 30, 1986 BY VAN CAMP of Scott

LOST *(p. 202)*

SENATE FILE 499

H-5050

1 Amend Senate File 499, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 17 the
4 following:

5 "Sec. _____. The commissioner of insurance shall
6 require that insurance companies transacting business
7 in this state reduce the automobile liability
8 insurance premiums charged insureds in this state for
9 liability insurance renewed or issued on or after the
10 effective date of this Act. The reduction in
11 insurance premiums, on a statewide basis, shall be at
12 least eighteen million dollars per year or whatever
13 greater amount the commissioner of insurance deems
14 appropriate as reflecting the reduction in annual
15 losses incurred by the insurance companies with the
16 enactment of this Act. As used in this section,
17 "automobile liability insurance" means insurance
18 policies issued by an insurance carrier authorized to
19 do business in this state to or for the benefit of the
20 person named in the policy as insured against loss
21 from liability imposed by law for damages arising out
22 of the ownership, maintenance, or use of an insured
23 automobile."

BY PARKER of Jasper

H-5050 FILED JANUARY 29, 1986

HANSON of Delaware

Revised and german 1/30 (p. 204)

SENATE FILE 499

H-5051

1 Amend the Committee amendment, H-5031, to Senate
2 File 499 as amended, passed, and reprinted by the
3 Senate as follows:

4 1. Page 1, by inserting after line 19 the
5 following:

6 "_____. By striking page 2, line 34 through page 3,
7 line 1."

8 2. Renumber as necessary.

BY PETERSON of Carroll

HAVERLAND of Polk

CLARK of Cerro Gordo

McINTEE of Black Hawk

KOENIGS of Mitchell

VARN of Johnson

H-5051 FILED JANUARY 29, 1986

Adopted 1/30 (p. 202)

SENATE FILE 499

H-5031

- 1 Amend Senate File 499 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "bicycles," the words and figure "1966 model year or
- 5 newer".
- 6 2. Page 1, line 27, by striking the words "motor
- 7 vehicle" and inserting the words "type of motor
- 8 vehicle which is".
- 9 3. Page 2, by striking lines 21 through 23.
- 10 4. Page 2, by inserting before line 24 the
- 11 following:
- 12 "____. Front seat occupants of an authorized
- 13 emergency vehicle while they are being transported in
- 14 an emergency. However, this exemption does not apply
- 15 to the driver of the authorized emergency vehicle."
- 16 5. Page 2, line 24, by striking the figure "1985"
- 17 and inserting the figure "1986".
- 18 6. Page 2, line 25, by striking the figure "1985"
- 19 and inserting the figure "1986".
- 20 7. Page 3, by striking lines 18 through 31.
- 21 8. Title page, lines 4 and 5, by striking the
- 22 words "providing a penalty" and inserting the words
- 23 "making penalties applicable".
- 24 9. Renumber as necessary.

H-5031 FILED JANUARY 22, 1986 BY COMMITTEE ON TRANSPORTATION
Adopted & amended by 5051 1/30 (p. 202)

SENATE FILE 499

H-5044

- 1 Amend Senate File 499, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 28, the
- 4 following:
- 5 "Except for drivers subject to federal motor
- 6 carrier safety regulation 49 C.F.R. § 392.16, a peace
- 7 officer shall not enforce this subsection except as a
- 8 secondary action when a driver of a motor vehicle has
- 9 been stopped for a suspected violation of some other
- 10 section of the Code or some other offense."

BY PAVICH of Pottawattamie
RENAUD of Polk
VAN CAMP of Scott
MUHLBAUER of Crawford
RUNNING of Linn
PONCY of Wapello
COREY of Louisa

H-5044 FILED JANUARY 24, 1986

Lost 1/30 (p. 203)

SENATE FILE 499

H-5049

1 Amend Senate File 499 as amended, passed and
2 reprinted by the Senate as follows:

3 1. By striking page 2, line 34 through page 3,
4 line 1.

BY CHAPMAN of Linn

H-5049 FILED JANUARY 28, 1986

BRANSTAD of Winnebago

Placed O.O. 1/30 (p. 202)

SENATE FILE 499

S-5044

1 Amend the House amendment, S-5031, to Senate File
2 499 as amended, passed and reprinted by the Senate as
3 follows:

- 4 1. Page 1, by striking line 22 and inserting the
- 5 following:
- 6 " . Page 3, by striking line 31 and inserting
- 7 the following: "scheduled fine is fifty dollars,
- 8 however, if the offender produces in court proof that
- 9 the offender is currently unemployed or had an annual
- 10 adjusted gross income of ten thousand dollars or less
- 11 the previous tax year, the scheduled fine is ten
- 12 dollars. As used in this paragraph, "adjusted gross
- 13 income" means as properly computed for federal income
- 14 tax purposes under the Internal Revenue Code of 1954
- 15 as defined in section 422.3."

S-5044 Filed February 7, 1986 BY LIND
4/15 2/12 (p. 201)

SENATE FILE 499

S 5047

1 Amend the House amendment, S-5031, to Senate File
2 499 as amended, passed, and reprinted by the Senate,
3 as follows:

- 4 1. Page 1, by striking lines 6 through 8 and
- 5 inserting the following:
- 6 " . Page 1, by striking line 27 and inserting
- 7 the following:
- 8 "2. The occupants of a type of motor vehicle which
- 9 is".
- 10 . Page 1, line 35, by striking the words
- 11 "driver or front seat".
- 12 . Page 2, line 3, by striking the words
- 13 "driver and front seat".
- 14 2. Page 1, line 12, by striking the words "Front
- 15 seat" and inserting the word "The".
- 16 3. Page 1, by inserting after line 21, the
- 17 following:
- 18 " . Page 3, line 2, by striking the words
- 19 "driver and front seat passengers" and inserting the
- 20 word "occupants".
- 21 4. Renumber as necessary.

S-5047 Filed and lost February 7, 1986 BY LIND

SENATE FILE 499

S-5060

1 Amend the House amendment, S-5031, to Senate File
2 499 as amended, passed and reprinted by the Senate as
3 follows:

- 4 1. Page 1, by inserting after line 19 the
- 5 following:
- 6 " . Page 2, by inserting after line 33 the
- 7 following:
- 8 "The issuance of a citation by a peace officer for
- 9 a violation of this subsection creates a nonrebuttable
- 10 presumption that the person named in the citation is
- 11 guilty of violating this subsection."
- 12 2. Renumber as necessary.

S-5060 Filed and withdrawn February 12, 1986 BY MANN
(p. 301)

S-5042

1 Amend the House amendment, S-5031, to Senate File
 2 499 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 16 through 19 and
 5 inserting the following:
 6 "_____. Page 2, by striking lines 24 through 28."
 7 2. Page 1, by inserting after line 22 the follow-
 8 ing:
 9 "_____. Page 3, by inserting after line 31 the
 10 following:
 11 "Sec. _____. This Act takes effect only at such time
 12 as state mandatory safety belt usage laws have been
 13 enacted that meet the federal minimum criteria for
 14 state mandatory safety belt usage laws under 49 Fed.
 15 Reg. 29,010 (1984) (to be codified at 49 C.F.R.
 16 §571.208 S4.1.5.2) which are applicable to at least
 17 sixty-five and one-half percent of the total
 18 population of the fifty states and the District of
 19 Columbia based on the most recent Estimates of the
 20 Resident Population of States, by Age, Current
 21 Population Reports, Series P-25, published by the
 22 bureau of the census, United States department of
 23 commerce."
 24 3. Page 1, line 25, by inserting after the word
 25 "applicable" the words "and providing an effective
 26 date".

S-5042 Filed and lost February 7, 1986 BY HOLDEN
 (p 268)

S-5043

1 Amend the House amendment, S-5031, to Senate File
 2 499 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 16 through 19 and
 5 inserting the following:
 6 "_____. Page 2, by striking lines 24 through 28."
 7 2. Page 1, by inserting after line 22 the
 8 following:
 9 "_____. Page 3, by inserting after line 31 the
 10 following:
 11 "Sec. _____. This Act takes effect upon the
 12 effective date that 23 U.S.C. § 154 (1976) is repealed
 13 or amended so that Iowa may enact a maximum speed
 14 limit of at least sixty-five miles per hour on
 15 interstate roads and still be eligible to receive
 16 approval of federal aid road projects under 23 U.S.C.
 17 § 106 (1976)."
 18 3. Page 1, line 25, by inserting after the word
 19 "applicable" the words "and providing an effective
 20 date".

S-5043 Filed and lost February 7, 1986 BY HOLDEN
 (p 269)

SENATE
February 5, 1986

HOUSE AMENDMENT TO
SENATE FILE 499

S-5031

- 1 Amend Senate File 499 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "bicycles," the words and figure "1966 model year or
- 5 newer".
- 6 2. Page 1, line 27, by striking the words "motor
- 7 vehicle" and inserting the words "type of motor
- 8 vehicle which is".
- 9 3. Page 2, by striking lines 21 through 23.
- 10 4. Page 2, by inserting before line 24 the
- 11 following:
- 12 "____. Front seat occupants of an authorized
- 13 emergency vehicle while they are being transported in
- 14 an emergency. However, this exemption does not apply
- 15 to the driver of the authorized emergency vehicle."
- 16 5. Page 2, line 24, by striking the figure "1985"
- 17 and inserting the figure "1986".
- 18 6. Page 2, line 25, by striking the figure "1985"
- 19 and inserting the figure "1986".
- 20 7. By striking page 2, line 34 through page 3,
- 21 line 1.
- 22 8. Page 3, by striking lines 18 through 31.
- 23 9. Title page, lines 4 and 5, by striking the
- 24 words "providing a penalty" and inserting the words
- 25 "making penalties applicable".

S-5031 Filed February 4, 1986

Sen. L. concurred 2/12/86 (p. 302)

SENATE FILE 499

S-5032

- 1 Amend the House Amendment S-5031 to Senate File 499 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 20 through 21 and inserting
- 4 in lieu thereof the following:
- 5 "7. Page 2, line 35, by striking the word "not"."

S-5032 Filed February 5, 1986 BY GENTLEMAN

Sen. L. 2/12 (p. 301)

SENATE FILE 499

S-5033

- 1 Amend Senate amendment S-5031 to Senate File 499 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 20 and 21.
- 5 2. By renumbering as necessary.

S-5033 Filed February 6, 1986 BY DOYLE

Sen. L. 2/12 (p. 301)

SENATE FILE 499

S-5034

1 Amend the House Amendment, S-5031, to Senate File
2 499 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting after line 8 the following:
5 "_____. Page 1, line 35, by inserting after the word
6 "vehicle" the words "which is not a passenger car and".
7 _____ Page 2, line 3, by inserting after the word
8 "vehicle" the words ", which is not a passenger car,".
9 _____ Page 2, line 8, by inserting after the word
10 "vehicle" the words ", which is not a passenger car,"."
11 2. Page 1, line 22, by striking the words and
12 figures "by striking lines 18 through 31" and inserting
13 in lieu thereof the words and figures "line 31 by
14 striking the word "ten" and inserting in lieu thereof
15 the word "twenty-five"."

S-5034 Filed February 6, 1986 BY RITSEMA

Lois 2/7 (p. 268)

SENATE FILE 499

S-5035

1 Amend the House amendment, S-5031, to Senate File
2 499 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting after line 22, the
5 following:
6 "_____. Page 3, by inserting after line 31, the
7 following:
8 "Sec. _____. This Act is repealed effective July 1,
9 1991. It is the intent of the general assembly that
10 the state department of transportation prepare for the
11 general assembly statistics prior to this repeal so
12 that the general assembly can determine if this Act
13 has saved lives or is otherwise effective.""

S-5035 Filed February 6, 1986 BY MANN

Lois 2/12 (p. 301)

SENATE FILE 499

S-5036

1 Amend the House amendment, S-5031, to Senate File
2 499 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting after line 22 the
5 following:
6 "_____. Page 3, by inserting after line 31 the
7 following:
8 "Sec. _____. This Act is repealed if and on the date
9 when 49 C.F.R. § 571.208 S4.1.5.1 is repealed or is
10 finally invalidated by a court.""

S-5036 Filed February 6, 1986 BY MANN

Lois 2/12 (p. 301)

SENATE FILE 499

S-5038

1 Amend the House amendment, S-5031, to Senate File
2 499 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 1, by striking line 9.

S-5038 Filed February 6, 1986 BY COLEMAN

Lois 2/7 (p. 268)

SSB 247

TRANSPORTATION: Kinley, Chair; A. Miller and Goodwin

SSB 247
Transportation

New
SF 499

HOUSE/SENATE FILE _____

BY (PREFILED DEPARTMENT OF
TRANSPORTATION BILL)

Passed House, Date _____ Passed Senate, Date _____

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

Approved _____

A BILL FOR

1 An Act establishing applicable standards for motor vehicle
2 safety belts and safety harnesses, mandating safety belt
3 and safety harness use with certain exceptions, requiring
4 the establishment of education programs, and providing a
5 penalty.

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

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1 Section 1. Section 321.210, Code 1985, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The department shall not
4 consider nor assess points for violations of section 321.445
5 in determining a motor vehicle license suspension, revocation
6 or cancellation.

7 Sec. 2. Section 321.445, Code 1985, is amended by striking
8 the section and inserting in lieu thereof the following:

9 321.445 SAFETY BELTS AND SAFETY HARNESSSES -- USE REQUIRED.

10 1. Except for motorcycles or motorized bicycles, motor
11 vehicles subject to registration in Iowa shall be equipped
12 with safety belts and safety harnesses of a type and installed
13 in a manner approved by rules adopted by the department
14 pursuant to chapter 17A. The department shall adopt rules
15 regarding the types of safety belts and safety harnesses
16 required to be installed in motor vehicles and the manner in
17 which they are installed. The rules shall conform with
18 federal motor vehicle safety standard numbers 209 and 210 as
19 published in 49 C.F.R. §§ 571.209-571.210 and with prior
20 federal motor vehicle safety standards for seat belt
21 assemblies and seat belt assembly anchorages applicable for
22 the motor vehicle's model year. The department may adopt
23 rules which comply with changes in the applicable federal
24 motor vehicle safety standards with regard to the type of
25 safety belts and safety harnesses and their manner of
26 installation.

27 2. The driver and front seat occupants of a motor vehicle
28 subject to registration in Iowa, except a motorcycle or a
29 motorized bicycle, shall each wear a properly adjusted and
30 fastened safety belt or safety harness any time the vehicle is
31 in forward motion on a street or highway in this state except
32 that a child under six years of age shall be secured as
33 required under section 321.446.

34 This subsection does not apply to:

35 a. The driver or front seat occupants of a motor vehicle

1 which is not required to be equipped with safety belts or
2 safety harnesses under rules adopted by the department.

3 b. The driver and front seat occupants of a motor vehicle
4 who are actively engaged in work which requires them to alight
5 from and reenter the vehicle at frequent intervals, providing
6 the vehicle does not exceed twenty-five miles per hour between
7 stops.

8 c. The driver of a motor vehicle while performing duties
9 as a rural letter carrier for the United States postal
10 service. This exemption applies only between the first
11 delivery point after leaving the post office and the last
12 delivery point before returning to the post office.

13 d. Passengers on a bus.

14 e. A person possessing a written certification from a
15 physician on a form provided by the department that the person
16 is unable to wear a safety belt or safety harness due to
17 physical or medical reasons. The certification shall specify
18 the time period for which the exemption applies. The time
19 period shall not exceed twelve months, at which time a new
20 certification may be issued.

21 During the six-month period from July 1, 1985 through
22 December 31, 1985, peace officers shall issue only warning
23 citations for violations of this subsection, except this does
24 not apply to drivers subject to the federal motor carrier
25 safety regulation 49 C.F.R. § 392.16.

26 The department, in cooperation with the department of
27 public safety and the department of public instruction, shall
28 establish educational programs to foster compliance with the
29 safety belt and safety harness usage requirements of this
30 subsection.

31 The fact of use, or nonuse, of a safety belt or a safety
32 harness by a person is not admissible or material as evidence
33 in a civil action brought for damages.

34 3. The driver and front seat passengers may be each
35 charged separately for improperly used or nonused equipment

1 under subsection 2. The owner of the motor vehicle may be
2 charged for equipment violations under subsection 1.

3 Sec. 3. Section 321.555, subsection 2, Code 1985, is
4 amended to read as follows:

5 2. Six or more of any separate and distinct offenses
6 within a two-year period in the operation of a motor vehicle,
7 which are required to be reported to the department by section
8 321.207 or chapter 321C, except equipment violations, parking
9 violations as defined in section 321.210, violations of
10 registration laws, violations of section sections 321.445 and
11 321.446, operating a vehicle with an expired license or
12 permit, failure to appear, weights and measures violations and
13 speeding violations of less than fifteen miles per hour over
14 the legal speed limit.

15 Sec. 4. Section 805.8, subsection 2, paragraph c, Code
16 1985, is amended to read as follows:

17 c. For improperly used or nonused, or defective or
18 improper equipment, other than brakes, driving lights and
19 brakelights, under sections 321.317, 321.387, 321.388,
20 321.389, 321.390, 321.391, 321.392, 321.393, 321.422, 321.432,
21 321.436, 321.437, 321.438, subsection 1 or 3, 321.439,
22 321.440, 321.441, 321.442, 321.444, ~~321.445~~ and 321.447, the
23 scheduled fine is ten dollars.

24 Sec. 5. Section 805.8, subsection 2, Code 1985, is amended
25 by adding the following new lettered paragraph:

26 NEW LETTERED PARAGRAPH. For improperly used or nonused, or
27 defective or improper equipment, under section 321.445, the
28 scheduled fine is twenty-five dollars.

29 EXPLANATION

30 This bill requires the state department of transportation
31 to adopt national standards for safety belts and safety
32 harnesses and mandates the use of safety belts or safety
33 harnesses by the vehicle driver and front seat occupants with
34 certain exceptions. The bill requires that an education
35 program be established to foster compliance with the mandatory

1 safety belt law. The bill requires that peace officers issue
2 only warning citations for violations of the mandatory safety
3 belt law from July 1, 1985 through December 31, 1985, unless
4 the driver is subject to federal motor carrier safety
5 regulations requiring the use of safety belts. The bill
6 prohibits consideration of mandatory safety belt violations in
7 motor vehicle license suspensions, revocations or
8 cancellations and exempts such violations in determinations of
9 habitual offender status under section 321.555. The scheduled
10 fine for violations of the mandatory safety belt law
11 (excluding child restraint violations) is twenty-five dollars,
12 subject to surcharge.

13 The bill also may affect the applicability of national
14 safety standards. In 1977 the national highway traffic safety
15 administration issued a motor vehicle safety standard which
16 required either automatic seat belts or air bags in new 1982
17 model large cars and in all cars beginning with the 1984 model
18 year. In 1981, however, the administration rescinded the
19 standard. In 1983, the United States supreme court ruled that
20 the rescission of the passive restraint requirement was
21 arbitrary and capricious since the agency failed to present an
22 adequate basis and explanation for rescinding the standard.
23 The court ordered the national highway traffic safety
24 administration to reconsider its rescission. In 1984 the
25 administration issued a new safety standard that requires all
26 1990 model year passenger cars to be equipped with automatic
27 restraints (either automatic seat belts or air bags) with a
28 phase-in beginning with 1987 model year passenger cars.
29 However, the standard is to be rescinded if by April 1, 1989,
30 state mandatory safety belt usage laws meeting the minimum
31 criteria established by the administration have been enacted
32 applicable to not less than two thirds of the total population
33 of the United States based on current census population
34 estimates. According to the most recent estimates of
35 population by the census bureau, Iowa's population comprises

1 1.2 percent of the United States' population. This bill,
2 however, does not meet the minimum criteria for state
3 mandatory safety belt usage laws as set by federal rule.

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SENATE FILE 499

AN ACT

ESTABLISHING APPLICABLE STANDARDS FOR MOTOR VEHICLE SAFETY BELTS AND SAFETY HARNESSSES, MANDATING SAFETY BELT AND SAFETY HARNESS USE WITH CERTAIN EXCEPTIONS, REQUIRING THE ESTABLISHMENT OF EDUCATION PROGRAMS, AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 321.210, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall not consider nor assess points for violations of section 321.445 in determining a motor vehicle license suspension, revocation or cancellation.

Sec. 2. Section 321.445, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

321.445 SAFETY BELTS AND SAFETY HARNESSSES -- USE REQUIRED.

1. Except for motorcycles or motorized bicycles, 1966 model year or newer motor vehicles subject to registration in Iowa shall be equipped with safety belts and safety harnessses of a type and installed in a manner approved by rules adopted by the department pursuant to chapter 17A. The department

shall adopt rules regarding the types of safety belts and safety harnessses required to be installed in motor vehicles and the manner in which they are installed. The rules shall conform with federal motor vehicle safety standard numbers 209 and 210 as published in 49 C.F.R. §§ 571.209-571.210 and with prior federal motor vehicle safety standards for seat belt assemblies and seat belt assembly anchorages applicable for the motor vehicle's model year. The department may adopt rules which comply with changes in the applicable federal motor vehicle safety standards with regard to the type of safety belts and safety harnessses and their manner of installation.

2. The driver and front seat occupants of a type of motor vehicle which is subject to registration in Iowa, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway in this state except that a child under six years of age shall be secured as required under section 321.446.

This subsection does not apply to:

- a. The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnessses under rules adopted by the department.
- b. The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.
- c. The driver of a motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.
- d. Passengers on a bus.

e. A person possessing a written certification from a physician on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued.

f. Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle.

During the six-month period from July 1, 1986 through December 31, 1986, peace officers shall issue only warning citations for violations of this subsection, except this does not apply to drivers subject to the federal motor carrier safety regulation 49 C.F.R. § 392.16.

The department, in cooperation with the department of public safety and the department of public instruction, shall establish educational programs to foster compliance with the safety belt and safety harness usage requirements of this subsection.

3. The driver and front seat passengers may be each charged separately for improperly used or nonused equipment under subsection 2. The owner of the motor vehicle may be charged for equipment violations under subsection 1.

Sec. 3. Section 321.555, subsection 2, Code 1985, is amended to read as follows:

2. Six or more of any separate and distinct offenses within a two-year period in the operation of a motor vehicle, which are required to be reported to the department by section 321.207 or chapter 321C, except equipment violations, parking violations as defined in section 321.210, violations of registration laws, violations of ~~section sections~~ 321.445 and 321.446, operating a vehicle with an expired license or permit, failure to appear, weights and measures violations and

speeding violations of less than fifteen miles per hour over the legal speed limit.

.....
ROBERT T. ANDERSON
President of the Senate

.....
DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 499, Seventy-first General Assembly.

.....
K. MARIE THAYER
Secretary of the Senate

Approved Feb. 20, 1986

.....
TERRY E. BRANSTAD
Governor