

321.446 Child restraint devices.

1. *a.* A child under one year of age and weighing less than twenty pounds who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit in a rear-facing child restraint system that is used in accordance with the manufacturer's instructions.

b. A child under six years of age who does not meet the description in paragraph "a" and who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions.

2. A child at least six years of age but under eleven years of age who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions or by a safety belt or safety harness of a type approved under [section 321.445](#).

3. [This section](#) does not apply to peace officers acting on official duty. [This section](#) also does not apply to the transportation of children in 1965 model year or older vehicles, authorized emergency vehicles, buses, or motor homes, except when a child is transported in a motor home's passenger seat situated directly to the driver's right. [This section](#) does not apply to the transportation of a child who has been certified by a physician licensed under [chapter 148](#) as having a medical, physical, or mental condition that prevents or makes inadvisable securing the child in a child restraint system, safety belt, or safety harness.

4. An operator who violates [subsection 1 or 2](#) is guilty of a simple misdemeanor and subject to the penalty provisions of [section 805.8A](#), [subsection 14](#), paragraph "c". However, if a child is being transported in a taxicab in a manner that is not in compliance with [subsection 1 or 2](#), the parent, legal guardian, or other responsible adult traveling with the child shall be served with a citation for a violation of [this section](#) in lieu of the taxicab operator.

5. A person who is first charged for a violation of [subsection 1](#) and who has not purchased or otherwise acquired a child restraint system shall not be convicted if the person produces in court, within a reasonable time, proof that the person has purchased or otherwise acquired a child restraint system which meets federal motor vehicle safety standards.

6. Failure to use a child restraint system, safety belts, or safety harnesses as required by [this section](#) does not constitute negligence nor is the failure admissible as evidence in a civil action.

7. For purposes of [this section](#), "child restraint system" means a specially designed seating system, including a belt-positioning seat or a booster seat, that meets federal motor vehicle safety standards set forth in 49 C.F.R. § 571.213.

84 Acts, ch 1016, §1; 86 Acts, ch 1069, §1; 2000 Acts, ch 1133, §11; 2001 Acts, ch 132, §11; 2001 Acts, ch 137, §5; 2004 Acts, ch 1113, §2, 3; 2005 Acts, ch 8, §32; 2008 Acts, ch 1088, §123
Referred to in [§321.210](#), [321.445](#), [321.555](#), [805.8A](#)