



THOMAS J. VILSACK  
GOVERNOR

**OFFICE OF THE GOVERNOR**

SALLY J. PEDERSON  
LT. GOVERNOR

April 28, 2004

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

**Senate File 2066**, an Act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

The above Senate File is hereby approved this date.

Sincerely,

Handwritten signature of Thomas J. Vilsack in black ink.  
Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House





SENATE FILE 2066

AN ACT  
MODIFYING REQUIREMENTS FOR SECURING CHILDREN TRANSPORTED  
IN MOTOR VEHICLES AND MAKING A PENALTY APPLICABLE.

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

Section 1. Section 321.445, subsection 2, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The driver and front seat occupants of a type of motor vehicle ~~which~~ that 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~~ eleven years of age shall be secured as required under section 321.446.

Sec. 2. Section 321.446, subsections 1, 2, and 4, Code 2003, are amended to read as follows:

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 ~~three~~ 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 ~~which-meets-federal-motor-vehicle-safety-standards,-and-the-system-shall-be~~ that is used in accordance with the manufacturer's instructions.



2. A child at least ~~three~~ six years of age but under ~~six~~ 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 ~~either~~ a child restraint system that ~~meets-federal-motor-vehicle-safety-standards-and~~ 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.

4. a. ~~The~~ An operator who violates subsection 1 or 2 is guilty of a simple misdemeanor and subject ~~only~~ to the penalty provisions of section 805.8A, subsection 14, paragraph "c".

b. During the eighteen-month period beginning July 1, 2004, and ending December 31, 2005, peace officers shall issue only warning citations for violations of subsections 1 and 2, provided the operator is, at a minimum, in compliance with the provisions of subsections 1 and 2, Code 2003. A peace officer may issue a citation for a violation of this section or section 321.445, as applicable, to an operator who is not in compliance with section 321.446, subsections 1 and 2, Code 2003, in regard to a child under six years of age, or section 321.445, Code 2003, in regard to a child at least six years of age but under eleven years of age. This paragraph is repealed January 1, 2006.

Sec. 3. Section 321.446, Code 2003, is amended by adding the following new subsection:

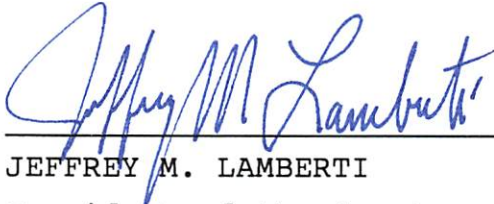
NEW SUBSECTION. 7. For purposes of this section, "child restraint system" means a specially designed seating system, including a belt-positioning seat or a booster seat, that meets federal motor vehicle safety standards set forth in 49 C.F.R. § 571.213.

Sec. 4. EDUCATION PROGRAMS AND COMPLIANCE ASSISTANCE.

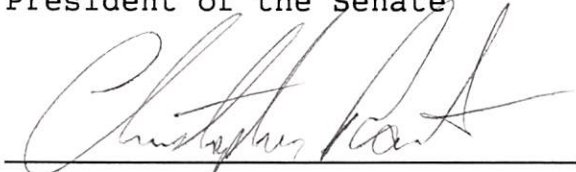
1. The state department of transportation, in cooperation with the department of public safety, shall develop and implement public awareness and education programs to foster compliance with the child restraint system usage requirements of this Act.

2. The state department of transportation and the department of public safety shall make every reasonable effort to identify existing programs administered by state and local government agencies that provide assistance to low-income families and to coordinate efforts with those agencies to assist Iowa parents, including but not limited to parents with

more than three children under age eleven, to comply with the requirements of this Act. This subsection is contingent upon the availability of funds to cover the costs associated with its implementation.



JEFFREY M. LAMBERTI  
President of the Senate



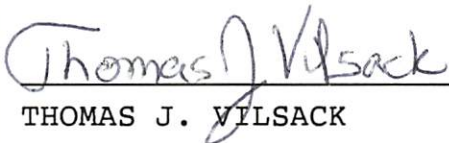
CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2066, Eightieth General Assembly.



MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 28, 2004



THOMAS J. VILSACK  
Governor