

JAN 31 1996
TRANSPORTATION

HOUSE FILE 2125
BY MURPHY

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

A BILL FOR

1 An Act requiring the use of safety belts on certain buses,
2 applying penalties, and providing applicability and effective
3 date provisions.

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

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HF 2125

1 Section 1. Section 321.445, Code 1995, is amended to read
2 as follows:

3 321.445 SAFETY BELTS AND SAFETY HARNESSSES -- USE REQUIRED.

4 1. Except for motorcycles or motorized bicycles, 1966
5 model year or newer motor vehicles, including school buses and
6 buses used for public transit, subject to registration in Iowa
7 shall be equipped with safety belts and safety harnesses of a
8 type and installed in a manner approved by rules adopted by
9 the department pursuant to chapter 17A. The department shall
10 adopt rules regarding the types of safety belts and safety
11 harnesses required to be installed in motor vehicles and the
12 manner in which they are installed. The rules shall conform
13 with federal motor vehicle safety standard numbers 209 and 210
14 as published in 49 C.F.R. §§ 571.209-571.210 and with prior
15 federal motor vehicle safety standards for seat belt
16 assemblies and seat belt assembly anchorages applicable for
17 the motor vehicle's model year. The department may adopt
18 rules which comply with changes in the applicable federal
19 motor vehicle safety standards with regard to the type of
20 safety belts and safety harnesses and their manner of
21 installation.

22 2. The driver and front seat occupants of a type of motor
23 vehicle which is subject to registration in Iowa, except a
24 motorcycle or a motorized bicycle, and all of the occupants of
25 a school bus or bus used for public transit shall each wear a
26 properly adjusted and fastened safety belt or safety harness
27 any time the vehicle is in forward motion on a street or
28 highway in this state except that a child under six years of
29 age shall be secured as required under section 321.446.

30 This subsection does not apply to:

31 a. The driver or front seat occupants of a motor vehicle
32 which is not required to be equipped with safety belts or
33 safety harnesses under rules adopted by the department.

34 b. The driver and front seat occupants of a motor vehicle
35 who are actively engaged in work which requires them to alight

1 from and reenter the vehicle at frequent intervals, providing
2 the vehicle does not exceed twenty-five miles per hour between
3 stops.

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

9 d. Passengers on a bus, other than a school bus or a bus
10 used for public transit.

11 e. A person possessing a written certification from a
12 physician on a form provided by the department that the person
13 is unable to wear a safety belt or safety harness due to
14 physical or medical reasons. The certification shall specify
15 the time period for which the exemption applies. The time
16 period shall not exceed twelve months, at which time a new
17 certification may be issued unless the certifying physician is
18 from a United States military facility, in which case the
19 certificate may specify a longer period of time or a permanent
20 exemption.

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

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

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

34 3. ~~The driver and front seat passengers~~ The occupants of a
35 vehicle may be each charged separately for improperly used or

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

4 4. a. The nonuse of a safety belt or safety harness by a
5 person is not admissible or material as evidence in a civil
6 action brought for damages in a cause of action involving a
7 motor vehicle, other than a school bus or bus used for public
8 transit, arising prior to July 1, 1986, and in a cause of
9 action involving a school bus or bus used for public transit,
10 arising prior to July 1, 2001.

11 b. In a cause of action involving a motor vehicle other
12 than a school bus or bus used for public transit, arising on
13 or after July 1, 1986, or in a cause of action involving a
14 school bus or bus used for public transit, arising on or after
15 July 1, 2001, brought to recover damages arising out of the
16 ownership or operation of a motor vehicle, the failure to wear
17 a safety belt or safety harness in violation of this section
18 shall not be considered evidence of comparative fault under
19 section 668.3, subsection 1. However, except as provided in
20 section 321.446, subsection 6, the failure to wear a safety
21 belt or safety harness in violation of this section may be
22 admitted to mitigate damages, but only under the following
23 circumstances:

24 (1) Parties seeking to introduce evidence of the failure
25 to wear a safety belt or safety harness in violation of this
26 section must first introduce substantial evidence that the
27 failure to wear a safety belt or safety harness contributed to
28 the injury or injuries claimed by the plaintiff.

29 (2) If the evidence supports such a finding, the trier of
30 fact may find that the plaintiff's failure to wear a safety
31 belt or safety harness in violation of this section
32 contributed to the plaintiff's claimed injury or injuries, and
33 may reduce the amount of plaintiff's recovery by an amount not
34 to exceed five percent of the damages awarded after any
35 reductions for comparative fault.

1 5. The department shall adopt rules pursuant to chapter
2 17A providing exceptions from application of subsections 1 and
3 2 for front seats and front seat passengers of motor vehicles
4 owned, leased, rented, or primarily used by physically
5 handicapped persons who use collapsible wheelchairs.

6 6. For purposes of this section and section 321.446, "bus
7 used for public transit" means a motor bus used in an urban or
8 regional transit system in accordance with chapter 324A.

9 Sec. 2. Section 321.446, subsections 1, 2, and 5, Code
10 1995, are amended to read as follows:

11 1. A child under three years of age who is being
12 transported in a motor vehicle subject to registration which
13 has a gross weight of ten thousand pounds or less as specified
14 by the manufacturer, except a ~~school-bus-or~~ motorcycle, shall
15 be secured during transit by a child restraint system which
16 meets federal motor vehicle safety standards and the system
17 shall be used in accordance with the manufacturer's
18 instructions.

19 2. A child at least three years of age but under six years
20 of age who is being transported in a motor vehicle subject to
21 registration which has a gross weight of ten thousand pounds
22 or less as specified by the manufacturer, except a ~~school-bus~~
23 ~~or~~ motorcycle, shall be secured during transit by either a
24 child restraint system that meets federal motor vehicle safety
25 standards and is used in accordance with the manufacturer's
26 instructions, or by a safety belt or safety harness of a type
27 approved under section 321.445.

28 5. A person, other than the operator of a school bus or a
29 bus used for public transit, who is first charged for a
30 violation of subsection 1 and who has not purchased or
31 otherwise acquired a child restraint system shall not be
32 convicted if the person produces in court, within a reasonable
33 time, proof that the person has purchased or otherwise
34 acquired a child restraint system which meets federal motor
35 vehicle safety standards.

