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3/14/02

UNFINISHED BUSINESS CALENDAR

FEB 21 2002
Place On Calendar

HOUSE FILE 2499
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 496)

Passed House, Date ^(p.881) 3-19-02 Passed Senate, Date _____
Vote: Ayes 66 Nays 26 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to requirements for securing children transported
2 in certain motor vehicles and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2499

1 Section 1. Section 321.445, subsection 2, unnumbered
2 paragraph 1, Code Supplement 2001, is amended to read as
3 follows:

4 The driver and front seat occupants of a type of motor
5 vehicle ~~which~~ that is subject to registration in Iowa, except
6 a motorcycle or a motorized bicycle, shall each wear a
7 properly adjusted and fastened safety belt or safety harness
8 any time the vehicle is in forward motion on a street or
9 highway in this state except that a child under ~~six~~ fourteen
10 years of age shall be secured as required under section
11 321.446.

12 Sec. 2. Section 321.446, Code Supplement 2001, is amended
13 to read as follows:

14 321.446 CHILD RESTRAINT DEVICES.

15 1. A child under ~~three~~ six years of age who is being
16 transported in a motor vehicle subject to registration, except
17 a school bus or motorcycle, shall be secured during transit by
18 a child restraint system ~~which~~ that meets federal motor
19 vehicle safety standards, and the system shall be used in
20 accordance with the manufacturer's instructions.

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

29 3. This section does not apply to peace officers acting on
30 official duty. This section also does not apply to the
31 transportation of children in 1965 model year or older
32 vehicles, authorized emergency vehicles, buses, or motor
33 homes, except when a child is transported in a motor home's
34 passenger seat situated directly to the driver's right. This
35 section does not apply to the transportation of a child who

1 has been certified by a physician licensed under chapter 148,
2 150, or 150A as having a medical, physical, or mental
3 condition that prevents or makes inadvisable securing the
4 child in a child restraint system, safety belt, or safety
5 harness.

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

9 5. A person who is first charged for a violation of
10 subsection 1 or 2 and who has not purchased or otherwise
11 acquired a child restraint system shall not be convicted if
12 the person produces in court, within a reasonable time, proof
13 that the person has purchased or otherwise acquired a child
14 restraint system which that meets federal motor vehicle safety
15 standards.

16 6. Failure to use a child restraint system, safety belts,
17 or safety harnesses as required by this section does not
18 constitute negligence nor is the failure admissible as
19 evidence in a civil action.

20 EXPLANATION

21 This bill amends several Code provisions relating to
22 requirements for securing children while being transported in
23 a motor vehicle that is subject to motor vehicle registration
24 requirements, except school buses and motorcycles. The bill
25 amends Code section 321.446 to require children that are at
26 least three years old but under 14 to be secured during
27 transit in such a vehicle by a child restraint system that
28 meets federal motor vehicle safety standards and that is used
29 in accordance with the manufacturer's instructions or by a
30 safety belt or harness. Currently, Code section 321.446
31 requires children that are at least three years old but under
32 six to be secured in such a child restraint system or safety
33 belt or harness. Current law also provides that children who
34 are six years old or over but under 14 are only covered by
35 Code section 321.445, which requires all front seat occupants

1 of a motor vehicle to be secured by a safety belt or safety
2 harness.

3 A violation of any of the provisions of the bill is a
4 simple misdemeanor punishable by a scheduled fine of \$25.

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HOUSE FILE 2499

H-8281

- 1 Amend House File 2499 as follows:
2 1. Page 1, line 12, by inserting after the figure
3 "321.446," the following: "subsections 1, 2, and 4,".
4 2. Page 1, line 12, by striking the word "is" and
5 inserting the following: "are".
6 3. Page 1, by striking lines 14 and 15 and
7 inserting the following:
8 "1. a. A child under one year of age and weighing
9 less than twenty pounds who is being transported in a
10 motor vehicle subject to registration, except a school
11 bus or motorcycle, shall be secured in a rear-facing
12 child restraint system that meets federal motor
13 vehicle safety standards, and the system shall be used
14 in accordance with the manufacturer's instructions.
15 b. A child under ~~three~~ six years of age who does
16 not meet the description in paragraph "a" and who is
17 being".
18 4. By striking page 1, line 29, through page 2,
19 line 5.
20 5. Page 2, line 7, by striking the word "only"
21 and inserting the following: "~~only~~".
22 6. Page 2, by striking lines 9 through 19 and
23 inserting the following:
24 "Sec. ____ . Section 321.446, Code Supplement 2001,
25 is amended by adding the following new subsection:
26 NEW SUBSECTION. 7. For purposes of this section,
27 "child restraint system" means a specially designed
28 seating system, including a belt-positioning seat or a
29 booster seat, that meets federal motor vehicle safety
30 standards set forth in 49 C.F.R. § 571.213."
31 7. By renumbering as necessary.

By JOHNSON of Osceola

H-8281 FILED MARCH 13, 2002

Adapted
3-19-02
(P. 881)

HOUSE FILE 2499

H-8327

1 Amend the amendment, H-8281, to House File 2499 as
2 follows:

3 1. Page 1, line 8, by striking the word "and" and
4 inserting the following: "or".

By JOHNSON of Osceola

H-8327 FILED MARCH 19, 2002

Adopted
3-19-02 (p. 881)

HOUSE FILE 2499
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 496)

(As Amended and Passed by the House March 18, 2002)

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

A BILL FOR

1 An Act relating to requirements for securing children transported
2 in certain motor vehicles and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____
Deleted Language *

1 Section 1. Section 321.445, subsection 2, unnumbered
2 paragraph 1, Code Supplement 2001, is amended to read as
3 follows:

4 The driver and front seat occupants of a type of motor
5 vehicle ~~which~~ that is subject to registration in Iowa, except
6 a motorcycle or a motorized bicycle, shall each wear a
7 properly adjusted and fastened safety belt or safety harness
8 any time the vehicle is in forward motion on a street or
9 highway in this state except that a child under ~~six~~ fourteen
10 years of age shall be secured as required under section
11 321.446.

12 Sec. 2. Section 321.446, subsections 1, 2, and 4, Code
13 Supplement 2001, are amended to read as follows:

14 1. a. A child under one year of age or weighing less than
15 twenty pounds who is being transported in a motor vehicle
16 subject to registration, except a school bus or motorcycle,
17 shall be secured in a rear-facing child restraint system that
18 meets federal motor vehicle safety standards, and the system
19 shall be used in accordance with the manufacturer's
20 instructions.

21 b. A child under three six years of age who does not meet
22 the description in paragraph "a" and who is being transported
23 in a motor vehicle subject to registration, except a school
24 bus or motorcycle, shall be secured during transit by a child
25 restraint system which that meets federal motor vehicle safety
26 standards, and the system shall be used in accordance with the
27 manufacturer's instructions.

28 2. A child at least three six years of age but under six
29 fourteen years of age who is being transported in a motor
30 vehicle subject to registration, except a school bus or
31 motorcycle, shall be secured during transit by ~~either~~ a child
32 restraint system that meets federal motor vehicle safety
33 standards and is used in accordance with the manufacturer's
34 instructions, or by a safety belt or safety harness of a type
35 approved under section 321.445.

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

4 Sec. 3. Section 321.446, Code Supplement 2001, is amended
5 by adding the following new subsection:

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

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