MAR 2 2001 TRANSPORTATION

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HOUSE FILE 496 BY GRUNDBERG

Passed	House,	Date		Passed	Senate,	Date	
Vote:	Ayes _		Nays	Vote:	Ayes _	Nays	<u> </u>
	i	Approv	ved				

A BILL FOR

1	An	Act	relati	ng to r	equireme	nts for s	ecuring	children	transported
2								penalty.	
3	BE	IT	ENACTED	BY THE	GENERAL	ASSEMBLY	OF THE	STATE OF	IOWA:
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S.F. H.F. 496

Section 1. Section 321.445, subsection 2, unnumbered
 paragraph 1, Code 2001, 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 fourteen
 years of age shall be secured as required under section
 321.446.

11 Sec. 2. Section 321.445, subsection 4, paragraph b, 12 unnumbered paragraph 1, Code 2001, is amended to read as 13 follows:

If a cause of action arising on or after July 1, 1986, Is brought to recover damages arising out of the ownership or operation of a motor vehicle, the failure to wear a safety belt or safety harness in violation of this section shall not be considered evidence of comparative fault under section 668.3, subsection 1. However, except as provided in section 20 321.446, subsection 6 7, the failure to wear a safety belt or 21 safety harness in violation of this section may be admitted to 22 mitigate damages, but only under the following circumstances: 23 Sec. 3. Section 321.446, Code 2001, is amended to read as 24 follows:

25 321.446 CHILD RESTRAINT DEVICES.

1. A child under three 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 which that meets federal motor vehicle safety standards, and the system shall be used in accordance with the manufacturer's instructions.

32 2. A child at least three years of age but under six years 33 of age who is being transported in a motor vehicle subject to 34 registration, except a school bus or motorcycle, shall be 35 secured during transit by either a child restraint system that

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1 meets federal motor vehicle safety standards and is used in 2 accordance with the manufacturer's instructions-or-by-a 3 safety-belt-or-safety-harness-of-a-type-approved-under-section 4 321-445.

3. A child at least six years of age but under fourteen
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 safety belt or safety
harness of a type approved under section 321.445.

10 3. <u>4.</u> This section does not apply to peace officers acting 11 on official duty. This section also does not apply to the 12 transportation of children in 1965 model year or older 13 vehicles, authorized emergency vehicles, or motor homes, 14 except when a child is transported in a motor home's passenger 15 seat situated directly to the driver's right. This section 16 does not apply to the transportation of a child who has been 17 certified by a physician licensed under chapter 148, 150, or 18 150A as having a medical, physical, or mental condition which 19 prevents or makes inadvisable securing the child in a child 20 restraint system, safety belt, or safety harness.

21 4. 5. The An operator who violates subsection l_{1} or 2_{1} or 22 3 is guilty of a simple misdemeanor and subject only to the 23 penalty provisions of section 805.8, subsection 2, paragraph 24 "x".

25 5. 6. A person who is first charged for a violation of 26 subsection 1 or 2 and who has not purchased or otherwise 27 acquired a child restraint system shall not be convicted if 28 the person produces in court, within a reasonable time, proof 29 that the person has purchased or otherwise acquired a child 30 restraint system which that meets federal motor vehicle safety 31 standards.

32 6: 7. Failure to use a child restraint system, safety 33 belts, or safety harnesses as required by this section does 34 not constitute negligence nor is the failure admissible as 35 evidence in a civil action.

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Sec. 4. Section 805.8, subsection 2, paragraph x, Code
2 2001, is amended to read as follows:

3 x. For failing to secure a child with a child restraint
4 system, safety belt, or harness in violation of section
5 321.446, the scheduled fine is ten <u>fifty</u> dollars.
6 EXPLANATION

This bill amends several Code provisions relating to 7 8 requirements for securing children while being transported in 9 a motor vehicle that is subject to motor vehicle registration 10 requirements, except school buses and motorcycles. The bill 11 amends Code section 321.446 to require children that are at 12 least three years old but under six to be secured during 13 transit in such a vehicle by a child restraint system that 14 meets federal motor vehicle safety standards and that is used 15 in accordance with the manufacturer's instructions. 16 Currently, Code section 321.446 requires children that are at 17 least three years old but under six to be secured in such a 18 child restraint system or by a safety belt or safety harness. The bill also amends Code section 321.446 to require 19 20 children six or over but under 14 years of age to be secured 21 during transit in the same type of motor vehicle by a safety 22 belt or safety harness, regardless of where the child is 23 seated in the motor vehicle. Currently, children that are six 24 or over but under 14 are only covered by Code section 321.445, 25 which requires all front seat occupants of a motor vehicle to 26 be secured by a safety belt or safety harness.

A violation of any of the provisions of the bill is a simple misdemeanor punishable by a scheduled fine of \$50. Ourrently, violations of the child restraint requirements are punishable by a scheduled fine of \$10.

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