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SENATE FILE
BY DVORSKY291

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

A BILL FOR

1 An Act relating to motor vehicle child restraint requirements and
2 providing a penalty.

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

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SF 291
TRANSPORTATION

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

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

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

14 In a cause of action arising on or after July 1, 1986,
15 brought to recover damages arising out of the ownership or
16 operation of a motor vehicle, the failure to wear a safety
17 belt or safety harness in violation of this section shall not
18 be considered evidence of comparative fault under section
19 668.3, 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.

26 1. A child under three years of age who is being
27 transported in a motor vehicle subject to registration, except
28 a school bus or motorcycle, shall be secured during transit by
29 a child restraint system ~~which~~ that meets federal motor
30 vehicle safety standards, and the system shall be used in
31 accordance with the manufacturer's instructions.

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

1 system that meets federal motor vehicle safety standards and
2 is used in accordance with the manufacturer's instructions, ~~or~~
3 ~~by a safety belt or safety harness of a type approved under~~
4 ~~section 321.445.~~

5 3. A child at least seven years of age but under thirteen
6 years of age who is being transported in a motor vehicle
7 subject to registration, except a school bus or motorcycle,
8 shall be secured during transit by a safety belt or safety
9 harness of a type approved under section 321.445.

10 3- 4. 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 1, or 2, 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.

1 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 fifty dollars.

6 EXPLANATION

7 This bill amends several Code provisions relating to
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 seven 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.

19 The bill also amends Code section 321.446 to require
20 children over six but under 13 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
24 ages six through 12 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.

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