FILED MAR 15

SENATE FILE 432

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 291)

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 432

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 321.446, subsection 2, Code 2001, is
12 amended to read as follows:
13   2. A child at least three years of age but under six
14 thirteen years of age who is being transported in a motor
15 vehicle subject to registration, except a school bus or
16 motorcycle, shall be secured during transit by either a child
17 restraint system that meets federal motor vehicle safety
18 standards and is used in accordance with the manufacturer's
19 instructions, or by a safety belt or safety harness of a type
20 approved under section 321.445.
21   Sec. 3. Section 805.8, subsection 2, paragraph x, Code
22 2001, is amended to read as follows:
23   x. For failing to secure a child with a child restraint
24 system, safety belt, or harness in violation of section
25 321.446, the scheduled fine is ten twenty-five dollars.
26   EXPLANATION
27   This bill amends several Code provisions relating to
28 requirements for securing children while being transported in
29 a motor vehicle that is subject to motor vehicle registration
30 requirements, except school buses and motorcycles. The bill
31 amends Code section 321.446 to require children that are at
32 least three years old but under 13 years old to be secured
33 during transit in such a vehicle by a child restraint system
34 that meets federal motor vehicle safety standards and that is
35 used in accordance with the manufacturer's instructions or by

1 a safety belt or safety harness. Currently, Code section
2 321.446 requires children that are at least three years old
3 but under six years old to be secured in such a child
4 restraint system or by a safety belt or safety harness.
5   A violation of any of the provisions of the bill is a
6 simple misdemeanor punishable by a scheduled fine of $25.
7 Currently, violations of the child restraint requirements are
8 punishable by a scheduled fine of $10.
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S-3202

1   Amend Senate File 432 as follows:
2   1. Page 1, by striking lines 11 and 12 and
3 inserting the following:
4   "Sec. ___. Section 321.446, subsections 1 and 2,
5 Code 2001, are amended to read as follows:
6   1. A child under ~~three~~ six years of age who is
7 being transported in a motor vehicle subject to
8 registration, except a school bus or motorcycle, shall
9 be secured during transit by a child restraint system
10 which meets federal motor vehicle safety standards,
11 and the system shall be used in accordance with the
12 manufacturer's instructions."
13   2. Page 1, line 13, by striking the word "three"
14 and inserting the following: "~~three~~ six".
15   3. By renumbering as necessary.

                              By EUGENE S. FRAISE
                                 ROBERT E. DVORSKY

S-3202 FILED MARCH 20, 2001

SENATE FILE 432
FISCAL NOTE

The estimate for **Senate File 432** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, <u>Code of Iowa</u>. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 432 requires children that are at least three years old but under thirteen years old to be secured in transit by a child restraint system that meets federal motor vehicle safety standards and that is used in accordance with the manufacturer's instructions or by a safety belt or harness. A violation of this provision is a simple misdemeanor punishable by a scheduled fine of $25.

ASSUMPTIONS

1. The estimate is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2000 data.

2. The median cost per case for the State Public Defender's Office for a simple misdemeanor is $200.

3. Court costs vary by type of offense charged as well as contested versus uncontested. Trial costs for a simple misdemeanor range from $50 to $500. These costs include expenses for the clerk of court, court attendant, court reporter, juries, and judges.

4. In FY 2000, there were 3,062 convictions under Section 321.446, <u>Code of Iowa</u>, (child safety restraint violations for children ages six and under).

5. The cost for jail is $25 per day.

6. The cost per day for probation/parole is $1.55.

CORRECTIONAL IMPACT

In FY 2000, there were 3,062 people convicted of failing to secure a child with a safety restraint while in transit. Of those 3,062, 3 served a jail sentence. The average length of stay for this particular offense was one day in jail. The cost per day in jail was $25.

FISCAL IMPACT

Senate File 432 would generate approximately $46,000 in additional revenue to

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the General Fund.

Criminal justice costs under Senate File 432 would be minimal. For those convicted of this offense, the cost is from $275 to $725.

SOURCE

Criminal and Juvenile Justice Planning Division, Department of Human Rights

LSB 2976SV 84b

BY DENNIS PROUTY, FISCAL DIRECTOR

FILED MARCH 21, 2001