

FILED FEB 25 '03

SENATE FILE 200
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 28)

Passed Senate, Date _____ Passed House, 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:

SF 200

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 321.445, subsection 2, unnumbered
2 paragraph 1, Code 2003, 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~~ fourteen
9 years of age shall be secured as required under section
10 321.446.

11 Sec. 2. Section 321.446, subsections 1, 2, and 4, Code
12 2003, are amended to read as follows:

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

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

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

35 4. a. The An operator who violates subsection 1 or 2 is

1 guilty of a simple misdemeanor and subject ~~only~~ to the penalty
2 provisions of section 805.8A, subsection 14, paragraph "c".

3 b. During the twelve-month period beginning July 1, 2003,
4 and ending June 30, 2004, peace officers shall issue only
5 warning citations for violations of subsections 1 and 2,
6 provided the operator is, at a minimum, in compliance with the
7 provisions of subsections 1 and 2, Code 2003. A peace officer
8 may issue a citation for a violation of this section or
9 section 321.445, as applicable, to an operator who is not in
10 compliance with section 321.446, subsections 1 and 2, Code
11 2003, in regard to a child under six years of age, or section
12 321.445, Code 2003, in regard to a child at least six years of
13 age but under fourteen years of age. This paragraph is
14 repealed July 1, 2004.

15 Sec. 3. Section 321.446, Code 2003, is amended by adding
16 the following new subsection:

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

22 Sec. 4. The state department of transportation, in
23 cooperation with the department of public safety, shall
24 develop and implement public awareness and education programs
25 to foster compliance with the child restraint system usage
26 requirements of this Act.

27 EXPLANATION

28 This bill relates to Code requirements for securing
29 children being transported in a motor vehicle that is subject
30 to motor vehicle registration requirements, except school
31 buses and motorcycles. The bill amends Code section 321.446
32 to require that children under six years of age be secured by
33 a child restraint system, and children under one year of age
34 and weighing less than 20 pounds be secured in a rear-facing
35 child restraint system, meeting federal safety standards and

1 used according to the manufacturer's instructions. Currently,
2 Code section 321.446 requires that children under three years
3 of age be secured by a child restraint system, and children at
4 least three but under six years of age be secured by a child
5 restraint system or by a safety belt or safety harness.

6 The bill also amends Code section 321.446 to require that
7 children who are at least six but less than 14 years of age be
8 secured by either a child restraint system or by a safety belt
9 or safety harness. Currently, children who are six years of
10 age or over but under 14 years of age are only covered by Code
11 section 321.445, which requires all front seat occupants of a
12 motor vehicle to be secured by a safety belt or safety
13 harness.

14 A violation of any of the provisions of the bill is a
15 simple misdemeanor punishable by a scheduled fine of \$25.
16 However, during the first year following enactment of the new
17 requirements, peace officers shall issue only warning
18 citations for violations of the new requirements, provided the
19 motor vehicle operator is, at a minimum, in compliance with
20 the child restraint or safety belt or safety harness
21 requirements in effect prior to July 1, 2003. Peace officers
22 may continue to issue citations for violations of the child
23 restraint or safety belt or safety harness requirements as
24 they existed under the old law.

25 The bill requires the state department of transportation,
26 in cooperation with the department of public safety, to engage
27 in a public education effort regarding the new child restraint
28 requirements.

29
30
31
32
33
34
35

SF 200 - Child Restraint Systems in Vehicles (LSB 1184 SV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)

Fiscal Note Version — New

Description

Senate File 200 amends Section 321.446(1)(2) and (4), Code of Iowa, by establishing that a child under the age of one year and weighing less than twenty pounds will be transported in a rear-facing child restraint system, a child under six years of age would be secured in a child restraint system, and a child between the ages of six to thirteen would be secured in a child restraint system, seat belt, or safety harness.

Assumptions

1. The law will take effect July 1, 2004. For a 12-month period beginning July 1, 2003, and ending June 30, 2004, peace officers will issue warning citations for violations of the child restraint provision under SF 200 as long as the operator is at least in compliance with the current law. If the operator is not in compliance with the current law, the peace officer would issue a citation. This provision of the Bill would be repealed July 1, 2004.
2. In FY 2002, there were 2,419 convictions for violations of child restraint devices.
3. In FY 2002, the Iowa State Patrol issued 1,484 child restraint citations and 36,102 seatbelt citations. The Patrol also issued 10,110 seatbelt and child restraint warnings in FY 2002.
4. The scheduled fine under the current law and for the proposed law is a simple misdemeanor with a \$25 fine.
5. The average court cost for a simple misdemeanor is \$15. The average indigent defense costs for a simple misdemeanor is \$250.
6. Simple misdemeanors have a 61.0% collection rate.

Correctional Impact

The correctional impact of Senate File 200 cannot be determined since some of the violations covered by the Bill are already being cited as seatbelt law violations. However, in FY 2004 under SF 200, there may be an increase in the number of seatbelt warnings issued and a decrease in the number of seatbelt citations written due to the one-year grace period. In FY 2005, there may be additional citations and convictions due to the definition of restraint types and the expansion of the age ranges required for restraints.

Fiscal Impact

The fiscal impact of SF 200 cannot be determined since some of the violations covered under SF 200 are already being cited as seatbelt law violations.

The average cost for one case is approximately \$270.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Public Safety

/s/ Dennis C Prouty
