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 motor vehicles and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SF 2004 LOCAL GOVERNMENT

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 is used in accordance with the
18 manufacturer's instructions.
19   b. A child under ~~three~~ six years of age who does not meet
20 the description in paragraph "a" and who is being transported
21 in a motor vehicle subject to registration, except a school
22 bus or motorcycle, shall be secured during transit by a child
23 restraint system ~~which-meets-federal-motor-vehicle-safety~~
24 ~~standards,-and-the-system-shall-be~~ that is used in accordance
25 with the manufacturer's instructions.
26   2. A child at least ~~three~~ six years of age but under ~~six~~
27 fourteen years of age who is being transported in a motor
28 vehicle subject to registration, except a school bus or
29 motorcycle, shall be secured during transit by ~~either~~ a child
30 restraint system that ~~meets-federal-motor-vehicle-safety~~
31 ~~standards-and~~ is used in accordance with the manufacturer's
32 instructions, or by a safety belt or safety harness of a type
33 approved under section 321.445.
34   4. a. ~~The~~ An operator who violates subsection 1 or 2 is
35 guilty of a simple misdemeanor and subject ~~only~~ to the penalty

1 provisions of section 805.8A, subsection 14, paragraph "c".

2   b. During the twelve-month period beginning July 1, 2004,

3 and ending June 30, 2005, peace officers shall issue only

4 warning citations for violations of subsections 1 and 2,

5 provided the operator is, at a minimum, in compliance with the

6 provisions of subsections 1 and 2, Code 2003. A peace officer

7 may issue a citation for a violation of this section or

8 section 321.445, as applicable, to an operator who is not in

9 compliance with section 321.446, subsections 1 and 2, Code

10 2003, in regard to a child under six years of age, or section

11 321.445, Code 2003, in regard to a child at least six years of

12 age but under fourteen years of age. This paragraph is

13 repealed July 1, 2005.

14   Sec. 3. Section 321.446, Code 2003, is amended by adding

15 the following new subsection:

16   NEW SUBSECTION. 7. For purposes of this section, "child

17 restraint system" means a specially designed seating system,

18 including a belt-positioning seat or a booster seat, that

19 meets federal motor vehicle safety standards set forth in 49

20 C.F.R. § 571.213.

21   Sec. 4. The state department of transportation, in

22 cooperation with the department of public safety, shall

23 develop and implement public awareness and education programs

24 to foster compliance with the child restraint system usage

25 requirements of this Act.

26   EXPLANATION

27   This bill relates to Code requirements for securing

28 children being transported in a motor vehicle that is subject

29 to motor vehicle registration requirements, except school

30 buses and motorcycles. The bill amends Code section 321.446

31 to require that children under six years of age be secured by

32 a child restraint system, and children under one year of age

33 and weighing less than 20 pounds be secured in a rear-facing

34 child restraint system, meeting federal safety standards and

35 used according to the manufacturer's instructions. Currently,

1 Code section 321.446 requires that children under three years
2 of age be secured by a child restraint system, and children at
3 least three but under six years of age be secured by a child
4 restraint system or by a safety belt or safety harness.
5   The bill also amends Code section 321.446 to require that
6 children who are at least six but less than 14 years of age be
7 secured by either a child restraint system or by a safety belt
8 or safety harness. Currently, children who are six years of
9 age or over but under 14 years of age are only covered by Code
10 section 321.445, which requires all front seat occupants of a
11 motor vehicle to be secured by a safety belt or safety
12 harness.
13   A violation of any of the provisions of the bill is a
14 simple misdemeanor punishable by a scheduled fine of $25.
15 However, during the first year following enactment of the new
16 requirements, peace officers shall issue only warning
17 citations for violations of the new requirements, provided the
18 motor vehicle operator is, at a minimum, in compliance with
19 the child restraint or safety belt or safety harness
20 requirements in effect prior to July 1, 2004. Peace officers
21 may continue to issue citations for violations of the child
22 restraint or safety belt or safety harness requirements as
23 they existed under the old law.
24   The bill requires the state department of transportation,
25 in cooperation with the department of public safety, to engage
26 in a public education effort regarding the new child restraint
27 requirements.
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