

SENATE FILE 2066
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO SF 2029)

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

A BILL FOR

1 An Act modifying 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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SENATE FILE 2066

S-5002

- 1 Amend Senate File 2066 as follows:
- 2 1. Page 1, line 19, by striking the words "~~three~~
- 3 six" and inserting the following: "three".
- 4 2. Page 1, line 26, by striking the words "~~three~~
- 5 six" and inserting the following: "three".
- 6 3. Page 2, line 10, by striking the word "six"
- 7 and inserting the following: "three".
- 8 4. Page 2, line 11, by striking the word "six"
- 9 and inserting the following: "three".

By BOB BRUNKHORST

S-5002 FILED FEBRUARY 9, 2004
LOST

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SF 2066
TRANSPORTATION

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~~ eleven
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 eleven 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 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 11 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 11 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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**Legislative Services Agency
Fiscal Services Division
Fiscal Note**

SF 2066 - Child Restraint (LSB 5740 SV)

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

Fiscal Note Version — New

Description

Senate File 2066 relates to the requirements for securing children who are transported in certain motor vehicles. Senate File 2066 also provides that a violation of this Bill would be a simple misdemeanor punishable by a scheduled fine of \$25.

Assumptions

1. Senate File 2066 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 20 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 eleven years of age would be secured in a child restraint system, seat belt, or safety harness.
2. In FY 2003, there were 2,153 convictions for violations of Section 321.446, Code of Iowa. This is a decrease of 266 convictions compared to FY 2002.
3. The law will fully take effect July 1, 2004. For a 12-month period beginning July 1, 2004, and ending June 30, 2005, peace officers will issue warning citations for violations of subsections 1 and 2, Code of Iowa, 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 as well as the proposed law, the peace officer would be able to issue a citation. This provision of the Bill would be repealed July 1, 2005.
4. Currently, the Department of Public Safety has 14 Safety Education Officers who present educational programs including those on seat belt and child restraint use.
5. The average cost for court and clerk time is \$14 per case for a simple misdemeanor.
6. The cost for the State Public Defender to represent one simple misdemeanor case is \$250. A State Public Defender would be required in approximately half the cases.

Correctional Impact

The correctional impact of SF 2066 may result in increased convictions; however, since the penalty is only a fine, no significant correctional impact is anticipated. Some of the violations are currently cited as seat belt law violations. There is no readily available information to predict how many additional convictions would occur.

Fiscal Impact

The fiscal impact of SF 2066 cannot be determined since there is no readily available information to predict how many additional convictions would occur. Since some of these violations are cited under current law and based on the amounts listed above, the fiscal impact of this Bill is anticipated to be minimal.

Sources

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

Dennis C Prouty

February 11, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

SENATE FILE 2066**H-8303**

1 Amend Senate File 2066, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 13 through 26 and
4 inserting the following:

5 "1. A child under ~~three years~~ one year of age and
6 weighing less than twenty pounds who is being
7 transported in a motor vehicle subject to
8 registration, except a school bus or motorcycle, shall
9 be secured during transit ~~by a in a rear-facing child~~
10 ~~restraint system which meets federal motor vehicle~~
11 ~~safety standards, and the system shall be that is used~~
12 in accordance with the manufacturer's instructions.

13 2. A child ~~at least three years of age but~~ under
14 ~~six~~".

15 2. Page 1, line 27, by inserting after the word
16 "who" the following: "does not meet the description
17 in subsection 1 and who".

18 3. By renumbering as necessary.

By McCARTHY of Polk	KLEMME of Plymouth
WATTS of Dallas	GREINER of Washington
J. R. VAN FOSSEN of Scott	RAYHONS of Hancock
SCHICKEL of Cerro Gordo	STRUYK of Pottawattamie
DOLECHECK of Ringgold	MURPHY of Dubuque
MERTZ of Kossuth	J. K. VAN FOSSEN of Scott
REASONER of Union	LUKAN of Dubuque
SHOMSHOR of Pottawattamie	

H-8303 FILED MARCH 23, 2004

SENATE FILE 2066**H-8332**

1 Amend the amendment, H-8303, to Senate File 2066,
2 as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 18 and
4 inserting the following:

5 "____. Page 1, line 19, by striking the words
6 "~~three six~~" and inserting the following: "three".

7 _____. Page 1, line 26, by striking the words "~~three~~
8 ~~six~~" and inserting the following: "three"."

By McCARTHY of Polk

H-8332 FILED MARCH 29, 2004

SENATE FILE 2066

H-8369

1 Amend Senate File 2066, as passed by the Senate, as
2 follows:

3 1. Page 2, line 2, by striking the word "twelve-
4 month" and inserting the following: "eighteen-month".

5 2. Page 2, line 3, by striking the word and
6 figure "June 30," and inserting the following:
7 "December 31,".

8 3. Page 2, by striking line 13, and inserting the
9 following: "January 1, 2006."

10 4. Page 2, by striking line 21 and inserting the
11 following:

12 "Sec. ____ . EDUCATION PROGRAMS AND COMPLIANCE
13 ASSISTANCE.

14 1. The state department of transportation, in".

15 5. Page 2, by inserting after line 25 the
16 following:

17 "2. The state department of transportation and the
18 department of public safety shall make every
19 reasonable effort to identify existing programs
20 administered by state and local government agencies
21 that provide assistance to low-income families and to
22 coordinate efforts with those agencies to assist Iowa
23 parents, including but not limited to parents with
24 more than three children under age eleven, to comply
25 with the requirements of this Act. This subsection is
26 contingent upon the availability of funds to cover the
27 costs associated with its implementation."

28 6. By renumbering as necessary.

By CHAMBERS of O'Brien
McCARTHY of Polk

H-8369 FILED APRIL 1, 2004

HOUSE AMENDMENT TO
SENATE FILE 2066

S-5276

1 Amend Senate File 2066, as passed by the Senate, as
2 follows:

3 1. Page 2, line 2, by striking the word "twelve-
4 month" and inserting the following: "eighteen-month".

5 2. Page 2, line 3, by striking the word and
6 figure "June 30," and inserting the following:
7 "December 31,".

8 3. Page 2, by striking line 13, and inserting the
9 following: "January 1, 2006."

10 4. Page 2, by striking line 21 and inserting the
11 following:

12 "Sec. ____ . EDUCATION PROGRAMS AND COMPLIANCE
13 ASSISTANCE.

14 1. The state department of transportation, in".

15 5. Page 2, by inserting after line 25 the
16 following:

17 "2. The state department of transportation and the
18 department of public safety shall make every
19 reasonable effort to identify existing programs
20 administered by state and local government agencies
21 that provide assistance to low-income families and to
22 coordinate efforts with those agencies to assist Iowa
23 parents, including but not limited to parents with
24 more than three children under age eleven, to comply
25 with the requirements of this Act. This subsection is
26 contingent upon the availability of funds to cover the
27 costs associated with its implementation."

28 6. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5276 FILED APRIL 5, 2004

SENATE FILE 2066

AN ACT
MODIFYING REQUIREMENTS FOR SECURING CHILDREN TRANSPORTED
IN MOTOR VEHICLES AND MAKING A PENALTY APPLICABLE.

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

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

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

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

b. A child under three six years of age who does not meet the description in paragraph "a" and 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-meets-federal-motor-vehicle-safety standards, and the system shall be~~ that is used in accordance with the manufacturer's instructions.

2. A child at least ~~three~~ six years of age but under ~~six~~ eleven 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 either a child restraint system that ~~meets-federal-motor-vehicle-safety standards-and~~ is used in accordance with the manufacturer's instructions, or by a safety belt or safety harness of a type approved under section 321.445.

4. a. The An operator who violates subsection 1 or 2 is guilty of a simple misdemeanor and subject only to the penalty provisions of section 805.8A, subsection 14, paragraph "c".

b. During the eighteen-month period beginning July 1, 2004, and ending December 31, 2005, peace officers shall issue only warning citations for violations of subsections 1 and 2, provided the operator is, at a minimum, in compliance with the provisions of subsections 1 and 2, Code 2003. A peace officer may issue a citation for a violation of this section or section 321.445, as applicable, to an operator who is not in compliance with section 321.446, subsections 1 and 2, Code 2003, in regard to a child under six years of age, or section 321.445, Code 2003, in regard to a child at least six years of age but under eleven years of age. This paragraph is repealed January 1, 2006.

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

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

Sec. 4. EDUCATION PROGRAMS AND COMPLIANCE ASSISTANCE.

1. The state department of transportation, in cooperation with the department of public safety, shall develop and implement public awareness and education programs to foster compliance with the child restraint system usage requirements of this Act.

2. The state department of transportation and the department of public safety shall make every reasonable effort to identify existing programs administered by state and local government agencies that provide assistance to low-income families and to coordinate efforts with those agencies to assist Iowa parents, including but not limited to parents with more than three children under age eleven, to comply with the requirements of this Act. This subsection is contingent upon the availability of funds to cover the costs associated with its implementation.

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2066, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2004

THOMAS J. VILSACK
Governor