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SENATE FILE 28

BY JOHNSON and TINSMAN

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:

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SF 28  
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~~ 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.

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