

Senate File 138 - Introduced

SENATE FILE _____
BY JOHNSON and HANCOCK

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

A BILL FOR

1 An Act requiring the use of child restraint systems or seat belts
2 by motor vehicle passengers under eighteen years of age and
3 making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1992SS 83
6 dea/nh/14

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1 1 Section 1. Section 321.445, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. a. The driver and front seat occupants of a type of
1 4 motor vehicle that is subject to registration in Iowa, except
1 5 a motorcycle or a motorized bicycle, shall each wear a
1 6 properly adjusted and fastened safety belt or safety harness
1 7 any time the vehicle is in forward motion on a street or
1 8 highway in this state except that a child under ~~eleven~~
1 9 eighteen years of age shall be secured as required under
1 10 section 321.446.
1 11 b. This subsection does not apply to:
1 12 ~~a.~~ (1) The driver or front seat occupants of a motor
1 13 vehicle which is not required to be equipped with safety belts
1 14 or safety harnesses.
1 15 ~~b.~~ (2) The driver and front seat occupants of a motor
1 16 vehicle who are actively engaged in work which requires them
1 17 to alight from and reenter the vehicle at frequent intervals,
1 18 providing the vehicle does not exceed twenty-five miles per
1 19 hour between stops.
1 20 ~~c.~~ (3) The driver of a motor vehicle while performing
1 21 duties as a rural letter carrier for the United States postal
1 22 service. This exemption applies only between the first
1 23 delivery point after leaving the post office and the last
1 24 delivery point before returning to the post office.
1 25 ~~d.~~ (4) Passengers on a bus.
1 26 ~~e.~~ (5) A person possessing a written certification from a
1 27 health care provider licensed under chapter 148 or 151 on a
1 28 form provided by the department that the person is unable to
1 29 wear a safety belt or safety harness due to physical or
1 30 medical reasons. The certification shall specify the time
1 31 period for which the exemption applies. The time period shall
1 32 not exceed twelve months, at which time a new certification
1 33 may be issued unless the certifying health care provider is
1 34 from a United States military facility, in which case the
1 35 certificate may specify a longer period of time or a permanent
2 1 exemption.
2 2 ~~f.~~ (6) Front seat occupants of an authorized emergency
2 3 vehicle while they are being transported in an emergency.
2 4 However, this exemption does not apply to the driver of the
2 5 authorized emergency vehicle.
2 6 c. The department, in cooperation with the department of
2 7 public safety and the department of education, shall establish
2 8 educational programs to foster compliance with the safety belt
2 9 and safety harness usage requirements of this subsection.
2 10 Sec. 2. Section 321.446, subsections 2 and 3, Code 2009,
2 11 are amended to read as follows:
2 12 2. A child at least six years of age but under ~~eleven~~
2 13 eighteen years of age who is being transported in a motor
2 14 vehicle subject to registration, except a school bus or
2 15 motorcycle, shall be secured during transit by a child
2 16 restraint system that is used in accordance with the
2 17 manufacturer's instructions or by a safety belt or safety

2 18 harness of a type approved under section 321.445.

2 19 3. This section does not apply to ~~peace~~ the following:

2 20 a. Peace officers acting on official duty. ~~This section~~

~~2 21 also does not apply to the~~

2 22 b. The transportation of children in 1965 model year or
2 23 older vehicles, authorized emergency vehicles, buses, or motor
2 24 homes, except when a child is transported in a motor home's
2 25 passenger seat situated directly to the driver's right. ~~This~~

~~2 26 section does not apply to the~~

2 27 c. The transportation of a child who has been certified by
2 28 a physician licensed under chapter 148 as having a medical,
2 29 physical, or mental condition that prevents or makes
2 30 inadvisable securing the child in a child restraint system,
2 31 safety belt, or safety harness.

2 32 d. A back seat occupant of a motor vehicle for whom no
2 33 safety belt is available because all safety belts are being
2 34 used by other occupants or cannot be used due to the use of a
2 35 child restraint system in the seating position for which a
3 1 belt is provided.

3 2 EXPLANATION

3 3 This bill requires that all persons under 18 years of age
3 4 who are being transported in a motor vehicle, other than a
3 5 school bus or motorcycle, be secured by an approved child
3 6 restraint system or a seat belt regardless of seating
3 7 position.

3 8 The bill provides an exemption from child restraint
3 9 requirements in situations where a child occupying a back seat
3 10 is not restrained because all safety belts in the vehicle are
3 11 in use or cannot be used because a child restraint system is
3 12 occupying the seating position for which a belt is provided.

3 13 Pursuant to existing law, a motor vehicle operator who
3 14 violates child restraint requirements commits a simple
3 15 misdemeanor subject to a scheduled fine of \$25. However, such
3 16 offenses are not considered for purposes of determining a
3 17 habitual offender of motor vehicle laws.

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