

House File 128 - Introduced

HOUSE FILE 128

BY HUNTER

A BILL FOR

1 An Act relating to restraint requirements for motor vehicle
2 occupants and making a penalty applicable.

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

1 Section 1. Section 321.445, subsection 2, paragraphs a and
2 b, Code 2011, are amended to read as follows:

3 a. The driver and ~~front-seat~~ occupants of a type of motor
4 vehicle that is subject to registration in Iowa, except a
5 motorcycle or a motorized bicycle, shall each wear a properly
6 adjusted and fastened safety belt or safety harness any time
7 the vehicle is in forward motion on a street or highway in this
8 state except that a child under eighteen years of age shall be
9 secured as required under section 321.446.

10 b. This subsection does not apply to:

11 (1) The driver or ~~front-seat~~ occupants of a motor vehicle
12 which is not required to be equipped with safety belts or
13 safety harnesses.

14 (2) The driver ~~and front-seat~~ or occupants of a motor
15 vehicle who are actively engaged in work which requires them
16 to alight from and reenter the vehicle at frequent intervals,
17 providing the vehicle does not exceed twenty-five miles per
18 hour between stops.

19 (3) The driver of a motor vehicle while performing duties as
20 a rural letter carrier for the United States postal service.
21 This exemption applies only between the first delivery point
22 after leaving the post office and the last delivery point
23 before returning to the post office.

24 (4) Passengers on a bus.

25 (5) A person possessing a written certification from a
26 health care provider licensed under chapter 148 or 151 on a
27 form provided by the department that the person is unable to
28 wear a safety belt or safety harness due to physical or medical
29 reasons. The certification shall specify the time period for
30 which the exemption applies. The time period shall not exceed
31 twelve months, at which time a new certification may be issued
32 unless the certifying health care provider is from a United
33 States military facility, in which case the certificate may
34 specify a longer period of time or a permanent exemption.

35 (6) ~~Front-seat occupants~~ Occupants of an authorized

1 emergency vehicle while they are being transported in an
2 emergency. However, this exemption does not apply to the
3 driver of the authorized emergency vehicle.

4 Sec. 2. Section 321.445, subsections 3 and 5, Code 2011, are
5 amended to read as follows:

6 3. The driver and ~~front-seat~~ passengers may be each charged
7 separately for improperly used or nonused equipment under
8 subsection 2. However, the driver shall not be charged for
9 a violation committed by a passenger who is fourteen years
10 of age or older unless the passenger is unable to properly
11 fasten a seat belt due to a temporary or permanent disability.
12 The owner of the motor vehicle may be charged for equipment
13 violations under subsection 1.

14 5. The department shall adopt rules pursuant to chapter 17A
15 providing exceptions from application of subsections 1 and 2
16 for ~~front~~ seats and ~~front-seat~~ passengers of motor vehicles
17 owned, leased, rented, or primarily used by persons with
18 disabilities who use collapsible wheelchairs.

19 EXPLANATION

20 This bill requires the driver and all occupants of a motor
21 vehicle to wear a seat belt or safety harness while the vehicle
22 is in forward motion on a street or highway. Currently, only
23 the driver and front seat passengers are required to wear seat
24 belts or safety harnesses. Restraint requirements do not apply
25 to the driver and occupants of a motor vehicle that is not
26 required to be equipped with seat belts or safety harnesses,
27 persons who are engaged in work that requires frequent stops to
28 exit and reenter the vehicle, letter carriers, bus passengers,
29 persons with a certified physical or medical exemption, and
30 occupants being transported in an emergency vehicle. The
31 department of transportation is required to adopt rules
32 providing exceptions from seat belt requirements for motor
33 vehicles owned, leased, rented, or primarily used by persons
34 who use collapsible wheelchairs.

35 Pursuant to current law, children under 18 years of age

1 are required to be secured by a child restraint system or a
2 seat belt or safety harness, except that a passenger in the
3 back seat may be exempted if there are not enough safety belts
4 to accommodate every passenger. A violation of seat belt or
5 restraint requirements involving a person under 18 years of age
6 is a simple misdemeanor punishable by a scheduled fine of \$100.
7 Those provisions are not affected by the bill.

8 A violation of seat belt requirements involving a person
9 18 years of age or older is a scheduled violation subject to
10 a fine of \$50. Seat belt and restraint violations are not
11 a factor in establishing grounds for license suspension or
12 identifying a person as a habitual violator.