

**House File 23 - Introduced**

HOUSE FILE 23

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 2013, 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 2013, 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     Currently, a violation of seat belt requirements involving  
9 a person 18 years of age or older is a scheduled violation  
10 subject to a fine of \$50. Seat belt and restraint violations  
11 are not a factor in establishing grounds for license suspension  
12 or identifying a person as a habitual violator.