

**Senate File 2012 - Introduced**

SENATE FILE 2012

BY WHITING

**A BILL FOR**

1 An Act requiring the use of safety belts or safety harnesses  
2 by passengers of motor vehicles, and making penalties  
3 applicable.

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

1 Section 1. Section 321.445, subsection 2, paragraph a, Code  
2 2020, is amended to read as follows:

3 a. The driver and ~~front seat occupants~~ passengers of a  
4 type of motor vehicle that is subject to registration in Iowa,  
5 except 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 eighteen years  
9 of age shall be secured as required under [section 321.446](#).

10 Sec. 2. Section 321.445, subsection 2, paragraph b,  
11 subparagraphs (1), (2), and (6), Code 2020, are amended to read  
12 as follows:

13 (1) The driver ~~or front seat occupants~~ and passengers of a  
14 motor vehicle which is not required to be equipped with safety  
15 belts or safety harnesses.

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

21 (6) ~~Front seat occupants~~ Passengers of an authorized  
22 emergency vehicle while they are being transported in an  
23 emergency. However, this exemption does not apply to the  
24 driver of the authorized emergency vehicle.

25 Sec. 3. Section 321.445, subsections 3 and 5, Code 2020, are  
26 amended to read as follows:

27 3. The driver and ~~front seat~~ passengers may be each charged  
28 separately for improperly used or nonused equipment under  
29 subsection 2. However, the driver shall not be charged for a  
30 violation committed by a passenger who is fourteen years of  
31 age or older unless the passenger is unable to properly fasten  
32 a ~~seat~~ safety belt or safety harness due to a temporary or  
33 permanent disability. The owner of the motor vehicle may be  
34 charged for equipment violations under [subsection 1](#).

35 5. The department shall adopt rules pursuant to [chapter 17A](#)

1 providing exceptions from application of [subsections 1 and 2](#)  
2 for ~~front~~ seats and ~~front-seat~~ passengers of motor vehicles  
3 owned, leased, rented, or primarily used by persons with  
4 disabilities who use collapsible wheelchairs.

5 Sec. 4. Section 321.446, subsection 3, paragraph d, Code  
6 2020, is amended by striking the paragraph.

7 Sec. 5. Section 321.446, subsection 4, paragraphs b and c,  
8 Code 2020, are amended to read as follows:

9 *b.* If a passenger fourteen years of age or older is unable  
10 to properly fasten a ~~seatbelt~~ safety belt or safety harness  
11 due to a temporary or permanent disability, an operator who  
12 transports such a person in violation of [subsection 2](#) may  
13 be charged with a violation of [this section](#). Otherwise,  
14 a passenger fourteen years of age or older who violates  
15 subsection 2 shall be charged in lieu of the operator.

16 *c.* If a child under fourteen years of age, or a child  
17 fourteen years of age or older who is unable to fasten a  
18 ~~seatbelt~~ safety belt or safety harness due to a temporary or  
19 permanent disability, is being transported in a taxicab or  
20 in a personal vehicle operated by a transportation network  
21 company driver, as defined in [section 321N.1](#), in a manner  
22 that is not in compliance with [subsection 1 or 2](#), the parent,  
23 legal guardian, or other responsible adult traveling with the  
24 child shall be served with a citation for a violation of this  
25 section in lieu of the taxicab operator or transportation  
26 network company driver. Otherwise, if a passenger being  
27 transported in the taxicab or in a personal vehicle operated by  
28 a transportation network company driver is fourteen years of  
29 age or older, the citation shall be served on the passenger in  
30 lieu of the taxicab operator or transportation network company  
31 driver.

32

#### EXPLANATION

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 Under current law, Code section 321.445 (safety belts and

1 safety harnesses) requires drivers and front seat occupants  
2 of motor vehicles who are 18 years of age or older to wear a  
3 properly adjusted and fastened safety belt or safety harness  
4 any time the vehicle is in forward motion on a street or  
5 highway. This bill applies the requirement to all passengers  
6 of the vehicle who are 18 years of age or older. The bill makes  
7 corresponding changes to the exceptions, charging provisions,  
8 and rulemaking provisions of Code section 321.445.

9 Code section 321.446 (child restraint devices) requires  
10 children under 18 years of age to be secured during transit by  
11 a child restraint system, safety belt, or safety harness. The  
12 bill strikes a provision in Code section 321.446 that exempts  
13 children occupying the back seat of a motor vehicle from having  
14 to be secured during transit by a child restraint system,  
15 safety belt, or safety harness if no safety belt is available  
16 because all safety belts are being used by other occupants or  
17 cannot be used due to the use of a child restraint system in the  
18 seating position for which a belt is provided.

19 The bill makes the use of the terms "passenger", "safety  
20 belt", and "safety harness" consistent throughout Code sections  
21 321.445 and 321.446.

22 A violation of Code section 321.445 is punishable by a  
23 scheduled fine of \$50. A violation of Code section 321.446  
24 is punishable by a scheduled fine of \$100. The department of  
25 transportation is prohibited from considering either violation  
26 in determining an offender's driver's license suspension under  
27 Code section 321.210 or habitual offender status under Code  
28 section 321.555.