

Senate File 357 - Introduced

SENATE FILE 357

BY JOCHUM

A BILL FOR

1 An Act relating to child restraint systems in motor vehicles,
2 and making penalties applicable.

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

1 Section 1. Section 321.446, subsections 1 and 2, Code 2019,
2 are amended to read as follows:

3 1. *a.* A child under ~~one year~~ three years of age and
4 ~~weighing less than twenty pounds~~ who is being transported in a
5 motor vehicle subject to registration, except a school bus or
6 motorcycle, shall be secured during transit in a rear-facing
7 child restraint system that is used in accordance with the
8 manufacturer's instructions. However, if the child has
9 reached the maximum height and weight for the rear-facing child
10 restraint system as determined by the system's manufacturer,
11 the child shall be secured pursuant to paragraph "b".

12 *b.* A child at least three years of age but under six ~~seven~~
13 years of age ~~who does not meet the description in paragraph~~
14 ~~"a"~~ and who is being transported in a motor vehicle subject
15 to registration, except a school bus or motorcycle, shall be
16 secured during transit by a child restraint system, other
17 than a booster seat, that is used in accordance with the
18 manufacturer's instructions. However, if the child has reached
19 the maximum height and weight for the child restraint system
20 as determined by the system's manufacturer, the child shall be
21 secured pursuant to paragraph "c".

22 *c.* A child at least seven years of age but under twelve
23 years of age who is being transported in a motor vehicle
24 subject to registration, except a school bus or motorcycle,
25 shall be secured during transit in a booster seat by a safety
26 belt or safety harness of a type approved under section
27 321.445. However, if the child is four feet nine inches in
28 height or over, or weighs eighty pounds or more, the child
29 shall be secured pursuant to subsection 2.

30 2. A child at least ~~six~~ twelve years of age but under
31 eighteen years of age who is being transported in a motor
32 vehicle subject to registration, except a school bus or
33 motorcycle, shall be secured during transit ~~by a child~~
34 ~~restraint system that is used in accordance with the~~
35 ~~manufacturer's instructions or by a safety belt or safety~~

1 harness of a type approved under [section 321.445](#).

2 Sec. 2. Section 321.446, Code 2019, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 2A. A child under thirteen years of
5 age who is being transported in a motor vehicle subject to
6 registration, except a school bus or motorcycle, shall be
7 secured as required in this section in the back seat of the
8 motor vehicle.

9 Sec. 3. Section 321.446, subsection 3, paragraph d, Code
10 2019, is amended by striking the paragraph.

11 Sec. 4. Section 321.446, subsection 4, paragraphs b and c,
12 Code 2019, are amended to read as follows:

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

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

1 18 years of age to be secured during transit by a safety belt
2 or safety harness.

3 The bill provides that a child under 13 years of age must be
4 secured as required in the bill in the back seat of the motor
5 vehicle.

6 The bill strikes a provision that exempts a child occupying
7 the back seat of a motor vehicle from having to be secured
8 during transit by a child restraint system, safety belt, or
9 safety harness if no safety belt is available because all
10 safety belts are being used by other occupants or cannot be
11 used due to the use of a child restraint system in the seating
12 position for which a belt is provided.

13 The bill makes the use of the terms "safety belt" and "safety
14 harness" consistent throughout Code section 321.446.

15 A violation of Code section 321.446 is punishable by a
16 scheduled fine of \$100. The department of transportation is
17 prohibited from considering the violation in determining an
18 offender's driver's license suspension under Code section
19 321.210 or habitual offender status under Code section 321.555.