

**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 Sec. 5. Section 321.446, subsection 7, Code 2019, is amended  
2 to read as follows:

3 7. For purposes of [this section](#), ~~“child:~~

4 a. “Booster seat” means the same as defined in 49 C.F.R.  
5 §571.213.

6 b. “Child restraint system” means a specially designed  
7 seating system, including a belt-positioning seat or a booster  
8 seat, that meets federal motor vehicle safety standards set  
9 forth in 49 C.F.R. §571.213.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation’s substance by the members of the general assembly.

13 This bill requires a child under three years of age to  
14 be secured during transit in a rear-facing child restraint  
15 system that is used in accordance with the manufacturer’s  
16 instructions. However, if the child has reached the maximum  
17 height and weight for the rear-facing child restraint system  
18 as determined by the system’s manufacturer, the child must be  
19 secured as required for a child at least three years of age but  
20 under seven years of age.

21 The bill requires a child at least three years of age but  
22 under seven years of age to be secured during transit by a  
23 child restraint system, other than a booster seat, that is used  
24 in accordance with the manufacturer’s instructions. However,  
25 if the child has reached the maximum height and weight for  
26 the child restraint system as determined by the system’s  
27 manufacturer, the child must be secured as required for a child  
28 at least seven years of age but under 12 years of age.

29 The bill requires a child at least seven years of age but  
30 under 12 years of age to be secured during transit in a booster  
31 seat by a safety belt or safety harness. However, if the child  
32 is four feet nine inches in height or over, or weighs 80 pounds  
33 or more, the child must be secured as required for a child at  
34 least 12 years of age but under 18 years of age.

35 The bill requires a child at least 12 years of age but under

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.