

Senate File 423 - Introduced

SENATE FILE 423

BY QUIRMBACH

A BILL FOR

1 An Act requiring the use of safety belts or safety harnesses by
2 certain 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 2019, 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 2019, 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, subsection 2, paragraph b, Code
26 2019, is amended by adding the following new subparagraph:

27 NEW SUBPARAGRAPH. (7) Passengers of a motor vehicle, other
28 than the driver or a front seat passenger, for whom no safety
29 belt or safety harness is available because all safety belts
30 or safety harnesses are being used by other passengers, or for
31 which a safety belt or safety harness cannot be used due to the
32 use of a child restraint system in the seating position for
33 which a safety belt or safety harness is provided.

34 Sec. 4. Section 321.445, subsections 3 and 5, Code 2019, are
35 amended to read as follows:

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

9 5. The department shall adopt rules pursuant to [chapter 17A](#)
10 providing exceptions from application of [subsections 1 and 2](#)
11 for ~~front~~ seats and ~~front seat~~ passengers of motor vehicles
12 owned, leased, rented, or primarily used by persons with
13 disabilities who use collapsible wheelchairs.

14 Sec. 5. Section 321.446, subsection 3, paragraph d, Code
15 2019, is amended to read as follows:

16 *d.* A ~~back seat occupant~~ passenger of a motor vehicle, other
17 than the driver or a front seat passenger, for whom no safety
18 belt or safety harness is available because all safety belts or
19 safety harnesses are being used by other ~~occupants~~ passengers
20 of the motor vehicle who are under eighteen years of age, or
21 for which a safety belt or safety harness cannot be used due to
22 the use of a child restraint system in the seating position for
23 which a safety belt or safety harness is provided.

24 Sec. 6. Section 321.446, subsection 4, paragraphs b and c,
25 Code 2019, are amended to read as follows:

26 *b.* If a passenger fourteen years of age or older is unable
27 to properly fasten a ~~seatbelt~~ safety belt or safety harness
28 due to a temporary or permanent disability, an operator who
29 transports such a person in violation of [subsection 2](#) may
30 be charged with a violation of [this section](#). Otherwise,
31 a passenger fourteen years of age or older who violates
32 subsection 2 shall be charged in lieu of the operator.

33 *c.* If a child under fourteen years of age, or a child
34 fourteen years of age or older who is unable to fasten a
35 ~~seatbelt~~ safety belt or safety harness due to a temporary or

1 permanent disability, is being transported in a taxicab or
2 in a personal vehicle operated by a transportation network
3 company driver, as defined in [section 321N.1](#), in a manner
4 that is not in compliance with [subsection 1 or 2](#), the parent,
5 legal guardian, or other responsible adult traveling with the
6 child shall be served with a citation for a violation of this
7 section in lieu of the taxicab operator or transportation
8 network company driver. Otherwise, if a passenger being
9 transported in the taxicab or in a personal vehicle operated by
10 a transportation network company driver is fourteen years of
11 age or older, the citation shall be served on the passenger in
12 lieu of the taxicab operator or transportation network company
13 driver.

14 EXPLANATION

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

17 Under current law, Code section 321.445 (safety belts and
18 safety harnesses) requires drivers and front seat occupants
19 of motor vehicles who are 18 years of age or older to wear a
20 properly adjusted and fastened safety belt or safety harness
21 any time the vehicle is in forward motion on a street or
22 highway. This bill applies the requirement to all passengers
23 of the vehicle who are 18 years of age or older. However,
24 the bill exempts from the requirement passengers of a motor
25 vehicle, other than the driver or a front seat passenger, for
26 whom no safety belt or safety harness is available because
27 all safety belts or safety harnesses are being used by other
28 passengers, or for which a safety belt or safety harness cannot
29 be used due to the use of a child restraint system in the
30 seating position for which a safety belt or safety harness
31 is provided. The bill makes corresponding changes to the
32 exceptions, charging provisions, and rulemaking provisions of
33 Code section 321.445.

34 Code section 321.446 (child restraint devices) requires
35 children under 18 years of age to be secured during transit by

1 a child restraint system, safety belt, or safety harness. The
2 bill amends a current exemption to apply to a passenger of a
3 motor vehicle, other than the driver or a front seat passenger,
4 for whom no safety belt or safety harness is available because
5 all safety belts or safety harnesses are being used by other
6 passengers of the motor vehicle who are under 18 years of age,
7 or for which a safety belt or safety harness cannot be used due
8 to the use of a child restraint system in the seating position
9 for which a safety belt or safety harness is provided.

10 The bill makes the use of the terms "passenger", "safety
11 belt", and "safety harness" consistent throughout Code sections
12 321.445 and 321.446.

13 A violation of Code section 321.445 is punishable by a
14 scheduled fine of \$50. A violation of Code section 321.446
15 is punishable by a scheduled fine of \$100. The department of
16 transportation is prohibited from considering either violation
17 in determining an offender's driver's license suspension under
18 Code section 321.210 or habitual offender status under Code
19 section 321.555.