

Senate File 28 - Introduced

SENATE FILE 28

BY DAWSON

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 2023, 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 2023, 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 2023, 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 2023, is amended by striking the paragraph.

7 Sec. 5. Section 321.446, subsection 4, paragraphs b and c,
8 Code 2023, 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 \$70. A violation of Code section 321.446
24 is punishable by a scheduled fine of \$135. 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.