

JAN 28 2002
TRANSPORTATION

HOUSE FILE 2123
BY LENSING

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child restraint systems and imposing
2 penalties.

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

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HT 2123

1 Section 1. Section 321.445, subsection 2, unnumbered
2 paragraph 1, Code Supplement 2001, is amended to read as
3 follows:

4 The driver and front seat occupants of a type of motor
5 vehicle which is subject to registration in Iowa, except a
6 motorcycle or a motorized bicycle, shall each wear a properly
7 adjusted and fastened safety belt or safety harness any time
8 the vehicle is in forward motion on a street or highway in
9 this state except that a child under ~~six~~ sixteen years of age
10 shall be secured as required under section 321.446.

11 Sec. 2. Section 321.446, subsections 1, 2, and 4, Code
12 Supplement 2001, are amended to read as follows:

13 1. a. A child under one year of age and weighing less
14 than twenty pounds who is being transported in a motor vehicle
15 subject to registration, except a school bus or motorcycle,
16 shall be secured in a rear-facing child restraint system that
17 meets federal motor vehicle safety standards, and the system
18 shall be used in accordance with the manufacturer's
19 instructions.

20 b. A child under three eight years of age who does not
21 meet the description in paragraph "a" and who is being
22 transported in a motor vehicle subject to registration, except
23 a school bus or motorcycle, shall be secured during transit by
24 a child restraint system which that meets federal motor
25 vehicle safety standards, and the system shall be used in
26 accordance with the manufacturer's instructions. However, a
27 child under eight years of age who weighs more than forty
28 pounds may be transported in the backseat of a vehicle while
29 wearing only a lap safety belt if the backseat of the vehicle
30 is not equipped with a combination lap and shoulder safety
31 belt.

32 2. A child at least ~~three~~ eight years of age but under ~~six~~
33 sixteen years of age who is being transported in a motor
34 vehicle subject to registration, except a school bus or
35 motorcycle, shall be secured during transit by either a child

1 restraint system that meets federal motor vehicle safety
2 standards and is used in accordance with the manufacturer's
3 instructions, or by a safety belt or safety harness of a type
4 approved under section 321.445.

5 4. The An operator who violates subsection 1 or 2 is
6 guilty of a simple misdemeanor and subject only to the penalty
7 provisions of section 805.8A, subsection 14, paragraph "c".

8 Sec. 3. Section 321.446, Code Supplement 2001, is amended
9 by adding the following new subsections:

10 NEW SUBSECTION. 7. The department, in cooperation with
11 the departments of public safety, public health, and
12 education, shall provide leadership and coordination of
13 education to foster compliance with the requirements of this
14 section concerning the appropriate use of child restraint
15 systems, safety belts, and safety harnesses.

16 NEW SUBSECTION. 8. For purposes of this section, "child
17 restraint system" means a specially designed seating system,
18 including a belt-positioning seat or a booster seat, that
19 meets federal motor vehicle safety standards set forth in 49
20 C.F.R. § 571.213.

21 EXPLANATION

22 This bill amends Code section 321.445 concerning safety
23 belts and harnesses to provide that persons under 16 years of
24 age must be secured during transit in a child restraint device
25 as required under Code section 321.446.

26 The bill also amends Code section 321.446 to provide that a
27 child under one year of age who weighs less than 20 pounds
28 must be secured in a rear-facing child restraint system that
29 meets federal motor vehicle safety standards while being
30 transported in a motor vehicle except a school bus or
31 motorcycle.

32 The bill also amends Code section 321.446 to provide that a
33 child under eight years of age who is not under one year of
34 age and less than 20 pounds must be secured by a child
35 restraint system while being transported in a motor vehicle

1 that is not a school bus or motorcycle. It provides that a
2 child under eight years of age who weighs more than 40 pounds
3 may be transported in the backseat of a vehicle wearing only a
4 lap safety belt if the backseat of the vehicle is not equipped
5 with a lap and shoulder safety belt.

6 The bill also amends Code section 321.446 to provide that a
7 child at least eight years of age but under 16 years of age
8 who is being transported in a motor vehicle subject to
9 registration, except a school bus or motorcycle, must be
10 secured by either a child restraint system that meets federal
11 motor vehicle safety standards or by a safety belt or harness
12 approved under Code section 321.445.

13 The bill defines "child restraint system" as a specially
14 designed seating system, including a belt-positioning seat or
15 a booster seat that meets federal motor vehicle safety
16 standards set forth in 49 C.F.R. § 571.213.

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