

MAR 1 2005
TRANSPORTATION

HOUSE FILE 494
BY SHOULTZ

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

A BILL FOR

1 An Act requiring the use of protective headgear for motorcycle
2 passengers under sixteen years of age.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 494

1 Section 1. Section 321.210, subsection 2, paragraph b,
2 Code 2005, is amended to read as follows:

3 b. Violations of requirements to install and or use safety
4 belts, safety harnesses, and child restraint devices, and
5 protective headgear under sections 321.445, and 321.446, and
6 321.447.

7 Sec. 2. NEW SECTION. 321.447 PROTECTIVE HEADGEAR FOR
8 MOTORCYCLE PASSENGERS UNDER AGE SIXTEEN.

9 1. A child under sixteen years of age shall not be
10 transported on a highway as a passenger on a motorcycle or in
11 a sidecar attached to a motorcycle unless the child is wearing
12 protective headgear as required by rules adopted by the
13 department. For purposes of this section, "motorcycle"
14 includes a motorized bicycle.

15 2. A motorcycle operator who violates this section is
16 guilty of a simple misdemeanor punishable as a scheduled
17 violation under section 805.8A, subsection 14, paragraph "c".

18 Sec. 3. Section 321.555, subsection 2, Code 2005, is
19 amended to read as follows:

20 2. Six or more of any separate and distinct offenses
21 within a two-year period in the operation of a motor vehicle,
22 which are required to be reported to the department by section
23 321.491 or chapter 321C, except equipment violations, parking
24 violations as defined in section 321.210, violations of
25 registration laws, violations of sections 321.445, and
26 321.446, and 321.447, operating a vehicle with an expired
27 license or permit, failure to appear, weights and measures
28 violations and speeding violations of less than fifteen miles
29 per hour over the legal speed limit.

30 Sec. 4. Section 805.8A, subsection 14, paragraph c, Code
31 2005, is amended to read as follows:

32 c. SEAT BELT, OR RESTRAINT, OR HELMET VIOLATIONS. For
33 violations under sections 321.445, and 321.446, and 321.447,
34 the scheduled fine is twenty-five dollars.

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EXPLANATION

1 This bill requires that a child under 16 years of age who
2 is being transported as a passenger on a motorcycle or in a
3 sidecar attached to a motorcycle being operated on the highway
4 must be wearing protective headgear, as specified in
5 administrative rules to be adopted by the state department of
6 transportation. The bill includes motorized bicycles in this
7 provision.

8 A motorcycle operator who transports a child in violation
9 of this provision commits a simple misdemeanor, punishable by
10 a scheduled fine of \$25. The bill specifies that a violation
11 of the headgear requirement is not to be considered by the
12 department for purposes of license suspension or habitual
13 offender determinations.

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