

JURISDICTION:
General Reference:

IOWA
Iowa Code Annotated

Required Use of Safety Belts¹:

Requirements:

When a motor vehicle² is in forward motion, the driver and front seat passengers shall wear safety belts or safety harnesses. §321.445(2) The State supreme court has held that the safety belt law does not violate constitutional privacy or due process of law requirements. *State v. Hartog*, 440 N.W.2d 852 (Iowa 1989)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Simple Misdemeanor: A fine of **\$10**. §§321.482 & 805.8(2)(c) Note: In determining license suspension action, the State is not to consider a violation of this requirement. §321.210(2)(b)

Effect on Civil Liability:

The failure to comply with this requirement shall not be considered evidence of comparative fault. However, such failure may be admitted to mitigate damages.³ §321.445(4)(b) The State supreme court has held that this provision does not violate constitutional requirements concerning equal protection of the laws. *Duntz v. Zeimet*, 478 N.W. 2d 635 (Iowa 1991)

Required Use of Child Safety Restraint Systems⁴:

Requirements:

I. A child <3 years old, while being transported in a motor vehicle that is "subject to [State] registration." shall be secured in a Federally approved child restraint system. §321.446(1)
II. A child ≥3 but <6 years old, while being transported in a motor vehicle that is "subject to [State] registration." shall be secured in either a Federally approved child restraint system, a safety belt or a safety harness. §321.446(2)

Required Use of Child Safety Restraint Systems:
(continued)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

Misdemeanor: A fine of **\$10**. §§321.446(4) & 805.8(2)(x) Note: In determining license suspension action, the State is not to consider a violation of this requirement. §321.210(2)(b)

¹**Exemptions.** The requirement to wear a safety belt or safety harness does not apply in the following circumstances: (1) To persons driving or riding in vehicles that are not required to have safety belts; (2) to drivers or passengers who are frequently alighting or reentering a motor vehicle for employment purposes and where the vehicle does not exceed 25 MPH between stops; (3) to letter carriers of the U.S. Postal Service when performing their duties; (4) to passengers on a bus; (5) to persons, who for medical or physical reasons, cannot wear a safety belt; and (6) except for the driver, front seat occupants of an emergency vehicle when such occupants are being transported in an emergency. §321.445(2)

²A "motor vehicle" does not include a motorcycle or motorized bicycle. §321.445(2)

³The defendant in a civil action (1) must introduce "substantial evidence" that the failure to use a safety belt or safety harness contributed to the plaintiff's injuries and (2), if such is established, the plaintiff's recovery may be reduced by 5%. §321.445(4)(b)(1) & (2)

⁴**Exemptions.** These requirements do not apply to children riding (1) in school buses, (2) on motorcycles, (3) in motor vehicles operated by law enforcement officers acting on official duty; (4) in motor vehicles with a model year of 1965 or older; (5) in authorized emergency vehicles; and, (6) in motor homes except when riding in the passenger seat "situated directly" to the right of the driver. In addition, there is an exemption in cases of children who have a medical, physical or mental condition that prevents or makes inadvisable the securing of a child in a child restraint system, safety belt or safety harness. §321.446(1), (2) & (3)

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Effect on Civil Liability: Failure to use a child restraint system, safety belt or safety harness does not constitute negligence nor is such failure admissible as evidence in a civil action. §321.446(6)

Required Use of Motorcycle Protective Headgear:

Requirements: **None**

Sanctions for Failure to Use:

Required Use of Motorcycle Eye Protection Device:

Requirements: **None**

Sanctions for Failure to Use:

Required Use of Bicycle Protective Headgear:

Requirements: **None**

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements: **None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle⁵:

Requirements: A passenger shall not ride on any part of any vehicle unless it is expressly designed either for passenger use or designed for carrying livestock, merchandise or freight. §321.455

Sanctions for a Violation: Simple Misdemeanor: A fine of \$25. §§321.482 & 805.8(2)(m)

Exemptions:

⁵In addition, such a prohibition may have been indirectly established for certain children via the provisions of the Child Safety Restraint Systems law.