

Sec. 21. NEW SECTION. 515F.21 UNAUTHORIZED INSURANCE.

Subject to the provisions of this chapter, chapter 507A shall apply to a person transacting the business of legal insurance.

Sec. 22. NEW SECTION. 515F.22 APPLICABILITY OF GENERAL INSURANCE LAW TO INSURANCE COMPANIES.

The provisions of the state's general insurance laws apply generally to legal insurance offered by an insurer licensed to write other kinds of insurance; provided that legal insurance sold by such an insurer under a certificate of authority obtained under this chapter shall be regulated by the provisions of sections 515F.1 through 515F.5, 515F.7, 515F.12, 515F.14, 515F.17, and 515F.19 instead of the corresponding sections of the general insurance law.

Sec. 23. NEW SECTION. 515F.23 APPLICABILITY OF GENERAL INSURANCE LAW TO ALL LEGAL INSURERS – HEARINGS AND APPEALS.

1. An order or rule of the commissioner issued under this chapter shall be subject to the provisions of the state's general insurance laws and the provisions of the administrative procedures Act, chapter 17A, relating to hearings and appeals.

2. Except as otherwise provided in this chapter, the provisions of the general insurance law shall not apply to insurers authorized to transact the business of legal insurance under this chapter.

Sec. 24. NEW SECTION. 515F.24 TRANSITION PROVISION.

A person transacting the business of legal insurance as of the effective date of this Act shall submit an application for a certificate of authority under section 515F.4 within ninety days of the effective date of this Act and the applicant may continue to operate until the commissioner acts upon the application. If an application is denied under section 515F.4, the applicant shall be treated as a legal insurer whose certificate of authority has been revoked.

Approved April 6, 1990

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## CHAPTER 1151

### HANDICAPPED PARKING

*S.F. 2244*

**AN ACT** relating to parking fines, handicapped parking spaces, and handicapped identification devices and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.34, subsection 7, Code Supplement 1989, is amended to read as follows:

7. **HANDICAPPED PLATES.** The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, light delivery truck, panel delivery truck, or pickup, who is a handicapped person, or who is the parent or guardian of a child who resides with the parent or guardian owner and who is a handicapped person, as defined in section 321L.1, may, upon written application to the department, order handicapped registration plates designed by the department bearing the international symbol of accessibility. The handicapped registration plates shall only be issued if the application is accompanied with a statement from a physician licensed under chapter 148, 149, 150, or 150A, or a chiropractor licensed under chapter 151, written on the physician's or chiropractor's stationery, stating the nature of the applicant's or the applicant's child's handicap and such additional information as required by rules

adopted by the department, including proof of residency of a child who is a handicapped person. If the application is approved by the department the handicapped registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The fee for the handicapped plates is five dollars which is in addition to the regular annual registration fee. The department shall validate the handicapped plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the handicapped plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle or the owner's child is still a handicapped person as defined in section 321L.1, unless the applicant has previously provided satisfactory evidence to the department that the owner of the vehicle or the owner's child is permanently handicapped in which case the furnishing of additional evidence shall not be required for renewal. However, an owner who has a child who is a handicapped person shall provide satisfactory evidence to the department that the handicapped child continues to reside with the owner. The handicapped registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle or the owner's child no longer qualifies as a handicapped person as defined in section 321L.1 or when the owner's child who is a handicapped person no longer resides with the owner.

Sec. 2. Section 321.236, subsection 1, paragraph a, Code 1989, is amended to read as follows:

a. May be charged and collected upon a simple notice of a fine not exceeding five dollars payable to the city clerk or clerk of the district court, if authorized by ordinance. Violations of section 321L.4, subsection 2, may be charged and collected upon a simple notice of a twenty-five dollar fine payable to the city clerk or clerk of the district court, if authorized by ordinance. No costs or other charges shall be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county.

Sec. 3. Section 321L.1, Code Supplement 1989, is amended by adding the following new subsection immediately following unnumbered paragraph 1:

**NEW SUBSECTION. 1.** "Business district" means that territory defined by city ordinance as required under section 321L.5.

Sec. 4. Section 321L.1, subsection 3, Code Supplement 1989, is amended to read as follows:

3. "Handicapped identification device" or "device" means an identification device bearing the international symbol of accessibility issued by the department, and includes a handicapped registration plate issued to or for a handicapped person under section 321.34, subsection 7, a handicapped identification sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, and a handicapped identification hanging device which is a placard for hanging from the rearview mirror when the motor vehicle is parked.

Sec. 5. Section 321L.2, subsection 1, Code Supplement 1989, is amended to read as follows:

1. a. A handicapped resident of the state desiring a handicapped identification device shall apply to the department upon an application form furnished by the department providing the applicant's name, address, date of birth, and social security number and shall also provide a statement from a physician licensed under chapter 148, 149, 150, or 150A, or a chiropractor licensed under chapter 151, or a physician or chiropractor licensed to practice in a contiguous state, written on the physician's or chiropractor's stationery, stating the nature of the applicant's handicap and such additional information as required by rules adopted by the department under section 321L.8. Handicapped registration plates must be ordered pursuant to section 321.34, subsection 7. A handicapped person may apply for either one temporary or one permanent handicapped identification hanging device. Persons who seek a permanent handicapped identification device shall be required to furnish evidence upon initial application that they are permanently handicapped. A person who has provided satisfactory evidence to the department that the person is permanently handicapped shall not be required to furnish

evidence of being handicapped at a later date, unless the department deems it necessary. Persons who seek only temporary handicapped identification stickers or hanging devices shall be required to furnish evidence upon initial application that they are temporarily handicapped and, in addition, furnish evidence at three-month intervals that they remain temporarily handicapped. Temporary handicapped identification stickers and hanging devices shall be of a distinctively different color from permanent handicapped identification stickers and hanging devices.

b. The department may issue permanent handicapped identification hanging devices to the following in accordance with rules adopted by the department:

(1) An organization which has a program for transporting the handicapped or elderly.

(2) A person in the business of transporting the handicapped or elderly.

One handicapped identification hanging device may be issued for each vehicle used by the organization or person for transporting the handicapped or elderly. A handicapped identification hanging device issued under this paragraph shall be surrendered to the department if the organization or person is no longer providing the service for which the device was issued. Notwithstanding section 321L.4, a person transporting handicapped or elderly in a motor vehicle for which a handicapped identification hanging device has been issued under this paragraph may display the device in the motor vehicle and may use a handicapped parking space while the motor vehicle is displaying the device. A handicapped identification hanging device issued under this paragraph shall be of a distinctively different color from the handicapped identification hanging devices issued under paragraph "a".

c. A new handicapped identification device can be issued if the previously issued device is reported lost, stolen, or damaged. The device reported as being lost or stolen shall be invalidated by the department. A device which is damaged shall be returned to the department and exchanged for a new device in accordance with rules adopted by the department.

Sec. 6. Section 321L.5, subsections 2 and 3, Code Supplement 1989, are amended to read as follows:

2. A handicapped parking space designated after July 1, 1981 1990, shall be at least one hundred forty four inches wide, or, if two or more spaces are adjacent to each other, each space shall be at least one hundred twenty inches wide with at least a forty eight inch walkway between each space in accordance with the dimension requirements of 36 C.F.R. § 1190.31. However, these dimension requirements do not apply to metered parallel on-street parking spaces.

3. a. The state and any or a political subdivision of the state which provides off-street public parking facilities or an entity providing nonresidential parking in off-street public parking facilities shall provide not less than two percent of the total parking spaces in each parking facility as handicapped parking spaces as stipulated in the table below, rounded to the nearest whole number of handicapped parking spaces. However, such parking facilities having ten or more parking spaces shall set aside at least one handicapped parking space.

b. An entity providing off-street nonresidential public parking facilities shall review the utilization of existing handicapped parking spaces for a one-month period not less than once every twelve months. If upon review, the average occupancy rate for handicapped parking spaces in a facility exceeds sixty percent during normal business hours, the entity shall provide additional handicapped parking spaces as needed.

c. An entity providing off-street nonresidential parking as a lessor shall provide a handicapped parking space to an individual requesting to lease a parking space, if that individual possesses a permanent handicapped identification device issued in accordance with section 321L.2.

d. In addition, any A new nonresidential entity facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide handicapped parking spaces as stipulated below:

TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF HANDICAPPED PARKING SPACES
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	*
1001 and over	**

\* 2 PERCENT OF TOTAL  
 \*\* 20 SPACES PLUS 1 FOR EACH 100 OVER 1000

e. Any other person may also set aside handicapped parking spaces on the person's property provided each handicapped parking space is clearly and prominently designated as a handicapped parking space.

Sec. 7. Section 321L.5, subsection 4, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. Cities which provide on-street parking areas within a business district shall by ordinance define and establish a business district or districts and shall designate not less than two percent of the total parking spaces within each business district as handicapped parking spaces.

b. Upon petition by an individual possessing a permanent handicapped identification device issued in accordance with section 321L.2, the city shall review utilization and location of existing handicapped parking spaces for a one-month period but not more than once every twelve months. If, upon review, the average occupancy rate for handicapped parking spaces exceeds sixty percent during normal business hours, the city shall provide additional handicapped parking spaces as needed.

Sec. 8. Section 321L.5, Code Supplement 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 6.** A handicapped parking review committee may be established by the state and each political subdivision of the state which is required to provide handicapped parking spaces in off-street public parking facilities according to subsection 3 and in political subdivisions required to provide handicapped parking spaces for on-street parking within a business district according to subsection 4. The handicapped parking review committee shall consist of five members who are handicapped persons as defined in section 321L.1 and five members who are officials of the state or political subdivision. The handicapped parking review committee shall have the discretion to increase or decrease the numbers of handicapped parking spaces required by this section. A decision to change the numbers or location of handicapped parking spaces shall be based upon the needs of the community, the percentage of use of the present handicapped parking spaces, and the past experience of the state or political subdivision regarding handicapped parking.

An individual may request the handicapped parking review committee to review the amounts and locations of handicapped parking spaces. The handicapped parking review committee shall investigate each individual's request and shall act upon such request if the investigation substantiates the individual's complaint.

Sec. 9. Section 805.8, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars. However, violations charged by a city upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph "a", are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 111.38 or 321.362 the scheduled fine is ten dollars. For a parking violation under section 321L.4, subsection 2, the scheduled fine is twenty-five dollars.

Sec. 10. EFFECTIVE DATE.

The provisions in section 5 of this Act which authorize the department to issue permanent handicapped identification devices to an organization transporting the handicapped or elderly and to a person in the business of transporting the handicapped or elderly take effect January 1, 1991.

Approved April 6, 1990

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## CHAPTER 1152

### NUTRITION GUIDELINES FOR SCHOOLS

*S.F. 2326*

**AN ACT** requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 256.9, Code Supplement 1989, is amended by adding the following new subsections:

**NEW SUBSECTION. 39.** Establish by July 1, 1991, a six-month pilot project to develop and maintain nutrition guidelines which are consistent with the dietary guidelines for Americans recommended dietary allowances established by the national research council and regulations adopted by the United States department of agriculture for school lunches and breakfasts, and for all food and beverages sold on public school grounds or the grounds of a nonpublic school receiving funds under section 283A.10, which are in addition to the requirements imposed under the federal child nutrition program regulations. The nutrition guidelines shall include guidelines for fat, saturated fat, sugar, sodium, fiber, and cholesterol; shall encourage that where comparable food products of equal nutritional value are available, the food product lower in fat, saturated fat, sugar, sodium, or cholesterol shall be used; and shall provide that each meal is to contain at least one-third of the recommended dietary allowance established by the national research council in effect on January 1, 1990. If, however, dietary guidelines for children are published by the United States department of agriculture and department of health and human services, the nutrition guidelines used in the pilot project shall conform to the new federal dietary guidelines for children. The department shall, through establishment of the pilot project, determine the feasibility of extending the nutrition guidelines established in the project to other schools and school districts in the state. In determining the feasibility of extending the nutrition guidelines, the department shall consult with school food service directors in the state. The department shall submit a report to the general assembly outlining and describing the proposed pilot project, including the proposed pilot project guidelines, by January 1, 1991, and shall submit, at the conclusion of the pilot project, a report, along with any recommendations, relating to the modification of those guidelines and the feasibility of extending the guidelines to other schools and school districts.