

CHAPTER 101
PARKING

[Prior to 5/26/04, see 401—Ch 4]

11—101.1(8A) Purpose.

101.1(1) The purpose of these rules is to provide citizens with the most convenient access to Iowa state offices on the capitol complex, to provide state employees a parking space within a reasonable distance of their offices, to remove the hazards inherent in unregulated parking, to define prohibited parking, and to set forth fines and the means of enforcement.

101.1(2) Parking spaces or lots will be assigned to three classes of drivers: (1) visitors and employees with disabilities, (2) other visitors, and (3) other employees.

101.1(3) Capitol complex parking area designations may be found on the department's Web site at http://das.gse.iowa.gov/gen_info/parking3.pdf.

11—101.2(8A) Definitions. The following definitions shall apply to this chapter.

“Access coordinator” means an employee, designated within each agency, with the assigned duties of disseminating information on capitol complex parking and building access and requesting and distributing employee parking permits and access cards from the department of administrative services, the department of public safety, and the house of representatives or the senate, as appropriate, for employee parking lot assignment and building access.

“Capitol complex” means an area within the city of Des Moines in which the Iowa state capitol building is located. This area includes the state capitol building and all real property and appurtenances thereto owned by the state of Iowa within an area bounded on the north by Interstate Highway 235, on the east by East 14th Street, on the south by the northernmost railroad tracks south of Court Avenue and on the west by East 6th Street.

“Capitol complex parking area” means a parking lot or parking structure for employees or visitors that is within the boundaries of the capitol complex and that is under the control of the executive branch of state government.

“Combined lot” or *“overflow lot”* means a parking area designated by the department of administrative services for both employees and visitors.

“Controlled lot” means a parking area for which access or usage is designated by any of the following: parking gates, vehicle decals, signs, symbols, or markings.

“Council member” means a member of a state board, committee, commission, or council who is not a full-time state employee and who is present on the capitol complex only on an occasional basis in the member's official capacity.

“Delinquent” means a parking fine that has not been paid within 30 days of issuance. If the owner or operator of the vehicle contests the parking citation by filing a written request for hearing within 10 days of the issuance of the citation, the fine will be suspended pending the outcome of the contested case. If the appeal decision upholds the citation, an unpaid fine shall become delinquent 10 days after issuance of the final decision or 31 days after issuance of the ticket, whichever is later.

“Department” means the department of administrative services.

“Director” means the director of the department of administrative services or the director's designee.

“Employee” means any person employed full-time or part-time by the state of Iowa, including legislators, judges, and temporary workers. “Employee” includes a contractor and the contractor's employees who regularly work on the capitol complex. “Employee” shall also mean a council member who is at the capitol complex in the member's official capacity.

“Habitual violator” means any owner or operator of a vehicle who has received six or more separate and distinct parking citations in the past 12 months regardless of whether payment for the citations is made in a timely manner.

“*Legislative parking area*” means a parking lot within the boundaries of the capitol complex that is under the control of the legislative branch of state government.

“*Operator*” means any person who is in actual physical control of a vehicle.

“*Overnight parking*” means parking on the capitol complex between 11 p.m. and 6 a.m.

“*Overtime parking*” means parking in a space or parking area longer than the posted time limit.

“*Owner*” means a person who is named on the legal title of a vehicle as the owner or, in the case of a vehicle without a title certificate, the person who is lawfully seized of the vehicle.

“*Parking permit*” means a device such as but not limited to a decal, placard or tag distributed by the department of administrative services or the legislative branch and used to identify the vehicle of a state employee or council member in capitol complex and legislative parking areas.

“*Peace officer*” means a person defined as a peace officer in Iowa Code section 801.4, who is assigned to the Iowa state patrol district 16 on either a permanent or temporary basis.

“*Persons with disabilities parking permit*” means a permit as defined in Iowa Code section 321L.2 that bears the international symbol of accessibility and that is issued by the department of transportation or by the corresponding agency of another state that allows the holder to park in a persons with disabilities parking space.

“*Persons with disabilities parking sign*” means a sign that bears the international symbol of accessibility and that meets the requirements of Iowa Code section 321L.6.

“*Persons with disabilities parking space*” means a parking space, including the access aisle, that is designated for use only by motor vehicles displaying a persons with disabilities parking permit and that meets the requirements of Iowa Code sections 321L.5 and 321L.6 and 661—Chapter 18.

“*Person with a disability*,” as defined in Iowa Code section 321L.1, means a person who has a disability that limits or impairs the person’s ability to walk.

“*Reserved parking*” means a parking area designated by a “reserved” parking sign or other assignment indicator pursuant to subrule 101.3(2), and assigned by the director to a specific agency, vehicle or individual.

“*Vehicle*” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. “Vehicle” does not include any device moved by human power.

“*Visitor*” means a member of the public at the capitol complex who is not included in the definition of employee.

11—101.3(8A) Parking space assignments.

101.3(1) Each parking space on the capitol complex will be assigned, on an individual or lot basis, by the director, except legislative parking areas which shall be assigned by the chief clerk of the house of representatives or the secretary of the senate or by the legislative council. Parking assignments may be dependent upon factors including, but not limited to, office location, type of vehicle (such as an oversized vehicle or a motorcycle), or the need to park after normal working hours.

101.3(2) The assignment of parking spaces will be indicated and designated by traffic control devices including but not limited to signs, instructions, lines or symbols painted on curbs or on parking surfaces, or by curbs, barricades, blocks, and lights.

101.3(3) A parking permit must be displayed by all vehicles parked by employees on the capitol complex.

11—101.4(8A) Parking for persons with disabilities.

101.4(1) Spaces designated for persons with disabilities in visitor parking areas, unless specifically posted for employee parking, shall be used only by visitors with disabilities or by persons transporting visitors with disabilities. Such visitors are required to display a persons with disabilities parking permit in or on their vehicle pursuant to Iowa Code section 321L.4.

101.4(2) Spaces designated for employees with disabilities shall be used only by employees with disabilities, or persons who are transporting employees with disabilities, who display a persons with disabilities parking permit in or on their vehicle pursuant to Iowa Code section 321L.4 and who display a capitol complex parking decal.

11—101.5(8A) Visitor parking. Visitors to the capitol complex shall park in areas designated for visitor parking, in combined lots, or on the street where parking is not prohibited. A visitor shall not park in a parking area posted for employee parking except as provided in subrule 101.9(4).

11—101.6(8A) Deliveries. Most buildings on the capitol complex have delivery entrances with limited space for parking while a person loads or unloads a vehicle. Drivers of delivery vehicles and others needing to load or unload their vehicles near the building shall use these entrances. Each of the restrictions and regulations contained in these rules, all traffic control devices, and state laws shall apply to delivery vehicles.

11—101.7(8A) Employee parking. Employees shall park only in assigned capitol complex employee parking areas or combined lots, and not in areas designated solely for visitors or otherwise reserved or restricted except as provided in subrule 101.9(4). An employee who is a council member shall be assigned a parking permit that, when displayed, will allow the council member to park in either an employee or a visitor parking area.

101.7(1) Access card issuance. The director or Iowa state patrol district 16 will issue to each employee an access card, if needed, for access to the employee's assigned lot. An access card shall be assigned to an employee by name for access granted to that employee. Generic or spare access cards shall not be issued.

101.7(2) Parking permit issuance. All employees who park any vehicle, other than a state vehicle, on the capitol complex shall register the vehicle through their access coordinator and obtain a parking permit and a space or lot assignment. The parking permit will be coded and shall be used only in the assigned space or lot(s).

a. All employees, except legislative employees, who park any vehicle, other than a state vehicle, on the capitol complex shall register the vehicle with the department of administrative services through their access coordinator.

b. Legislative employees must register with the chief clerk of the house of representatives or the secretary of the senate for a parking permit and a parking space or lot assignment, unless such registration and assignment are delegated by the legislative branch to another entity.

c. The department may establish a process for issuing nonadhesive capitol complex parking permits to an access coordinator for temporary use by employees from the coordinator's agency who normally do not work on the capitol complex and to council members associated with the coordinator's agency. Access coordinators shall record the number from the temporary permit and forward this information to the department as requested. The access coordinator shall collect the temporary permit from the driver when the driver no longer needs a parking permit.

101.7(3) Failure to obtain a parking permit. An employee who fails to register a vehicle pursuant to subrule 101.7(2) or fails to obtain a parking permit and a space or lot assignment shall not park in capitol complex parking areas.

101.7(4) Display of permits.

a. Parking decals with adhesive backing must be permanently affixed to the lower corner of the vehicle's windshield on the driver's side within 48 hours of issuance. The use of tape or adhesive other than that found on the decal to affix the parking decal is prohibited.

b. Dash placards shall be placed on the vehicle's dashboard so they are visible through the windshield on the driver's side.

c. Hangtags shall be hung from the vehicle's rearview mirror.

101.7(5) Replacement of parking permits.

a. *Lost parking permit.* An employee or a council member shall replace a lost parking permit by contacting the access coordinator and making application to the department of administrative services or the chief clerk of the house of representatives or the secretary of the senate, as appropriate.

b. *Damaged parking permit.* An employee or a council member shall replace a parking permit that becomes damaged or unidentifiable or a decal that is affixed to a vehicle being reassigned to a parking area that requires a different parking permit by contacting the access coordinator and making application to the department, or legislative branch, as appropriate.

101.7(6) Removal of parking permits. A parking permit used in or affixed to a vehicle that is no longer being driven to the capitol complex by the employee or council member to whom the parking permit was issued shall be removed from the vehicle. When the individual to whom the parking permit was issued is no longer an employee, the parking permit shall be removed from the vehicle and returned to the individual's access coordinator.

101.7(7) Replacement access cards.

a. *Replacement fee.* If an access card is lost or stolen, it shall be replaced upon approval of an application submitted through the access coordinator and payment of the fee prescribed by the director. The replacement fee shall be based on the costs of replacing the card.

b. *No replacement fee.* The first card issued to an individual and any card replacing one that failed and is returned to the Iowa state patrol district 16 shall be issued free of charge.

101.7(8) Access coordinator responsibilities. An agency access coordinator shall:

a. Assist employees from the coordinator's agency with completing and filing an application for an access card or parking permit.

b. Ensure that employees of the coordinator's agency are familiar with the rules of this chapter and the procedures for obtaining a parking permit and access card.

c. Assist with distribution of parking permits to employees of the coordinator's agency.

11—101.8(8A) Temporary parking.

101.8(1) A request to park temporarily for the purpose of loading or unloading a vehicle in an area where parking is prohibited shall be directed to the Iowa state patrol district 16 at (515)281-5608. The requester shall provide the driver's name, license plate number of the vehicle and where it is parked.

101.8(2) An individual who is a visitor on the capitol complex and who drives a vehicle with a parking decal assigned to a specific employee lot may park in a visitor's space provided permission is granted by the Iowa state patrol district 16. The driver shall immediately telephone the Iowa state patrol district 16 at (515)281-5608 and give the driver's name, license plate number of the vehicle and where it is parked. The driver will receive instructions on obtaining permission.

101.8(3) An employee who drives a vehicle that has not been registered pursuant to subrule 101.7(2) or is without a parking decal pursuant to subrule 101.7(4) must obtain permission from Iowa state patrol district 16 to temporarily park on the capitol complex. The driver shall immediately telephone Iowa state patrol district 16 at (515)281-5608 and give the driver's name, license plate number of the vehicle and where it is parked. The driver will receive instructions on obtaining permission.

101.8(4) Temporary parking permission granted under subrule 101.8(1), 101.8(2), or 101.8(3) shall not constitute a waiver of the rules in this chapter.

11—101.9(8A) Prohibited parking. Failure to locate a space where parking is permitted in a designated capitol complex parking area does not entitle the operator to park in a manner prohibited by this chapter or state law.

101.9(1) Vehicles shall not be parked in a manner that violates any of the rules in this chapter or state law.

101.9(2) Vehicles shall not be parked in a manner that causes:

- a. More than one space to be occupied by a single vehicle.
- b. A street, parking lot lane or traffic lane within a capitol complex parking lot to be blocked.
- c. A building entrance to be blocked or obstructed.
- d. Access to fire hydrants, emergency equipment or vehicles to be blocked or obstructed.
- e. Obstruction of the egress of another vehicle.
- f. Pedestrian walkways or sidewalks to be obstructed or blocked.
- g. Occupation of an area where vehicle parking is prohibited.
- h. Overtime parking.

101.9(3) A vehicle shall not be parked in a space designated for use by visitors with disabilities unless the driver is a visitor with disabilities or is transporting a visitor with disabilities. A vehicle shall not be parked in a space designated for use by employees with disabilities unless the driver is an employee with disabilities or is transporting an employee with disabilities.

101.9(4) A vehicle shall not be parked in a space or lot unless that space or lot is designated for use by or assigned to the driver. However, general employee or visitor spaces or lots that are not otherwise designated (by sign or symbol that indicates a restricted or continuous reserved status, such as legislator, emergency or delivery vehicle, or persons with disabilities) may be used between 6 p.m. and 6 a.m. and during weekends and state government holidays, except as otherwise specified by this rule.

101.9(5) Vehicles shall not be parked on curbs, on grass or in any area not intended for vehicle parking.

101.9(6) Delivery vehicles shall not be parked in a manner or for a period of time that does not comply with the restrictions established for those vehicles by the director or with a traffic control device.

101.9(7) A vehicle with a delinquent parking ticket shall not be allowed to be parked on the capitol complex.

101.9(8) Vehicles of habitual violators shall not be allowed to be parked on the capitol complex.

101.9(9) If any vehicle is found stopped, standing or parked in any manner in violation of the provisions of these rules and the identity of the operator cannot be determined, the owner or operator or corporation in whose name the vehicle is registered shall be held responsible for the violation.

101.9(10) Vehicles shall not be parked on the capitol complex overnight in parking areas not specifically designated for overnight parking when there are conditions of snow or ice or when the department closes an area for maintenance.

11—101.10(8A) Waiver. As the purpose of these rules is to facilitate the system of parking, to encourage compliance and to reduce conflict, any rule contained herein, unless otherwise provided by law, may be suspended or waived by the director to aid law enforcement, to prevent undue hardship in any particular instance or to prevent unnecessary conflict or injustice. All suspensions and waivers shall be in writing. The director may change space and lot designations, excluding those in legislative parking areas, temporarily or permanently, to maintain appropriate availability of parking on the capitol complex. Waiver of these rules shall be requested in accordance with 11—Chapter 9.

11—101.11(8A) Enforcement.

101.11(1) Peace officers assigned to the Iowa state patrol district 16 shall be primarily responsible for the enforcement of these rules.

101.11(2) The Iowa state patrol peace officers may in their discretion enforce these rules by:

a. Issuing oral or written orders or directions to an owner or operator.

b. Issuing a citation.

c. Removing a vehicle or causing a vehicle to be removed in accordance with subrule 101.11(6).

101.11(3) The director may rescind the privilege to park on the capitol complex for any vehicle for which there is a delinquent parking ticket.

101.11(4) The director may rescind the privilege to park on the capitol complex for any vehicle of a habitual violator.

101.11(5) Removal of vehicles.

a. A vehicle may be removed for nonpayment of all parking fines whether or not the vehicle is illegally parked at that time, when there are delinquent parking fines for the vehicle or registration plates.

b. A peace officer shall have the right to remove from the capitol complex the vehicle of a habitual violator.

101.11(6) If a peace officer determines that a vehicle is to be removed, the peace officer shall have the vehicle removed by the use of state equipment or by a private towing firm or contractor.

101.11(7) The director may contract with an individual or firm to provide services for removing (towing) vehicles found in violation of these rules or state law and to store such vehicles until claimed by the owner or disposed of as abandoned vehicles.

101.11(8) A peace officer, upon impounding a vehicle, shall give notice in person, by telephone or by ordinary mail to the owner of the vehicle. The notice shall state the specific violation or other reason for which the vehicle was impounded, its location and the fee for the removal, storage and notice. The towing firm or individual shall release the vehicle to the owner upon notification by the department of administrative services that the owner or operator has paid all outstanding citations and after the service fee has been paid to the towing firm or individual. The amount of this fee will be determined by the agreement between the director and the individual or firm.

101.11(9) If an owner or operator returns to the vehicle prior to its removal, but after the towing contractor has been summoned, the peace officer may require that the vehicle remain on the capitol complex until the towing contractor arrives. Upon the towing contractor's arrival, the vehicle may be allowed to be moved after the operator pays the towing contractor the cost of the service call and after the department of administrative services notifies the peace officer that all delinquent parking fines have been paid. The towing firm or individual shall issue a receipt for payment of the cost of the service call to the owner or operator.

101.11(10) An operator who enters a parking lot in a manner not consistent with usual parking lot access procedures shall be subject to a parking citation and possible charges for damages. Access to parking lots inconsistent with usual access procedures includes, but is not limited to: closely following another vehicle into a parking lot in a manner that prevents the gate from closing between vehicles; opening a gate for unauthorized persons with another operator's access card; driving over the curb or around the gate; driving through a gate that is not fully raised; or lifting a parking gate without authorization.

101.11(11) In addition to any enforcement action taken under this rule, charges may be filed under other criminal statutes if appropriate.

11—101.12(8A) Fines.

101.12(1) A fine of \$10 is hereby established for the violation of any of these rules, except those pertaining to persons with disabilities parking.

101.12(2) The parking fine shall be increased by \$10 for all outstanding delinquent violations if the fine is not or has not been paid within 30 days of the date upon which the violation occurred.

101.12(3) Improper use of a persons with disabilities parking space is subject to a fine pursuant to Iowa Code section 321L.4(2).

101.12(4) A violator may be notified of a violation by being served with a parking violation ticket which:

a. May be served personally to the operator or placed upon the vehicle that is parked in violation of a rule.

b. Advises the operator of the rule violated.

c. Instructs the operator that the operator is required for each violation to pay \$10 to the department of administrative services within 10 days by submitting the ticket or the ticket number and payment in cash or a check or money order payable to the Department of Administrative Services, Customer Service Center, Hoover State Office Building, Level A, Des Moines, Iowa 50319.

d. Warns the operator that:

(1) The director may rescind the parking privilege of any owner or operator who has a delinquent parking ticket.

(2) The director may rescind the parking privilege of any owner or operator who meets the definition of “habitual violator.”

When the parking privilege is rescinded, the vehicle shall not be allowed to be parked in any capitol complex parking area until all fines are paid or the owner or operator no longer meets the definition of “habitual violator.” Peace officers may tow any vehicle parked on the capitol complex for which parking privileges have been rescinded.

e. Warns the violator that failure to pay the fine may result in the director’s proceeding against the violator in an Iowa district court.

f. Advises the operator of how to obtain a hearing on the charges.

g. Warns that the fine for each separate violation shall be increased by \$10 if the parking ticket is not paid within 30 days of the date upon which the violation occurred.

11—101.13(8A) Appeals. Appeals regarding enforcement of parking rules shall be pursuant to 11—Chapter 7, Contested Cases.

If the owner or operator wishes to contest a parking citation, the fees paid because of the removal or attempted removal of the vehicle, or any other action arising from these rules, the owner or operator shall notify the director in writing within ten days of the action. Upon such notification, the owner or operator will be provided with written instructions that describe the procedure the director will use to conduct a hearing to consider the owner’s or operator’s evidence and arguments.

These rules are intended to implement Iowa Code Supplement sections 8A.322 and 8A.323.

[Filed 5/5/04, Notice 3/31/04—published 5/26/04, effective 6/30/04]

[Filed emergency 6/18/04—published 7/7/04, effective 6/30/04]

[Filed 11/4/05, Notice 9/28/05—published 11/23/05, effective 12/28/05]