

Summary

Reprinted 3/26

FILED MAR 14 1980

SENATE FILE **2333**

By COMMITTEE ON TRANSPORTATION
(FORMER SSB 2060-2061-2062)

Approved 3/13/80

Passed Senate, Date 3-25-80 (p. 1063) Passed House, Date _____

Vote: Ayes 41 Nays 4 Vote: Ayes _____ Nays _____

Approved _____

Reprinted to House 2/26

A BILL FOR

1 An Act providing for the designation of handicapped parking
2 spaces and providing a penalty.

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

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2333

1 Section 1. Section one hundred four A point three (104A.3),
2 Code 1979, is amended by adding the following new subsection:

3 NEW SUBSECTION. At least one percent of the parking spaces
4 provided shall be set aside as handicapped parking spaces
5 as defined in section six hundred one E point one (601E.1)
6 of the Code.

7 Sec. 2. Chapter one hundred four A (104A), Code 1979,
8 is amended by adding the following new section:

9 NEW SECTION. HANDICAPPED PARKING REQUIRED. Effective
10 January 1, 1982, all public and private buildings and
11 facilities, temporary and permanent, used by the general
12 public, shall set aside at least one percent of the parking
13 spaces provided as handicapped parking spaces as defined in
14 section six hundred one E point one (601E.1) of the Code.
15 This section applies to multiple-dwelling units containing
16 more than four individual dwelling units.

17 Sec. 3. Section six hundred one E point one (601E.1),
18 subsection one (1), unnumbered paragraph one (1), Code 1979,
19 is amended to read as follows:

20 "Handicapped ~~or-paraplegic~~ person" means:

21 Sec. 4. Section six hundred one E point one (601E.1),
22 Code 1979, is amended by adding the following new subsections:

23 NEW SUBSECTION. "Department" means the state department
24 of transportation.

25 NEW SUBSECTION. "Director" means the director of
26 transportation.

27 NEW SUBSECTION. "Handicapped identification device" means
28 an identification device bearing the international symbol
29 of accessibility issued by the department.

30 NEW SUBSECTION. "Handicapped parking space" means a parking
31 space designated for use by only motor vehicles displaying
32 a handicapped identification device that meets the requirements
33 of section six hundred one E point eight (601E.8) of the Code.

34 Sec. 5. Section six hundred one E point two (601E.2),
35 Code 1979, is amended to read as follows:

1 601E.2 DISABLED MOTOR VEHICLE--DISPLAY OF FLAG. A person
2 whose motor vehicle is disabled, may use or display a distress
3 flag as a distress signal if he ~~qualifies as~~ or she is a
4 handicapped ~~ex-paraplegic~~ person and has been issued a permit
5 and a distress flag as provided in section 601E.3.

6 Sec. 6. Section six hundred one E point three (601E.3),
7 Code 1979, is amended to read as follows:

8 601E.3 APPLICATION--ISSUANCE OF FLAG. Any person desiring
9 a distress flag for use as provided in section 601E.2 shall
10 apply to the department ~~of transportation~~, upon an application
11 form furnished by the department, providing ~~his~~ the applicant's
12 name, address, date of birth, a physician's signature attesting
13 to the disability and information on the type of physical
14 apparatus needed to operate a motor vehicle, if any, and
15 information relating to ~~his~~ the applicant's handicap required
16 by the director ~~of transportation~~. Upon determination by
17 the director that the applicant qualifies as a handicapped
18 ~~ex-paraplegic~~ person as defined in section 601E.1 and the
19 payment of a fee, the director shall issue the applicant a
20 permit to use a distress flag. The director shall determine
21 the fee for the distress flag except that the fee shall not
22 exceed the cost of the flag to the department. Each distress
23 flag shall be numbered and in the event of its loss or
24 destruction, the director may issue a duplicate upon payment
25 of the fee. The director shall maintain a record of all
26 applicants and those qualified applicants receiving permits
27 and distress flags.

28 Sec. 7. Section six hundred one E point four (601E.4),
29 Code 1979, is amended to read as follows:

30 601E.4 RETURN OF FLAG. If a person who has been issued
31 a permit and distress flag under this chapter becomes
32 disqualified as a handicapped ~~ex-paraplegic~~ person, he the
33 person shall return the permit and the distress flag to the
34 department.

35 Sec. 8. Section six hundred one E point five (601E.5),

1 Code 1979, is amended to read as follows:

2 601E.5 PENALTY. Any person who is not ~~qualified as a~~
3 ~~handicapped or paraplegic~~ person and uses a distress flag
4 as provided in this chapter or for any other purpose is guilty
5 of a simple misdemeanor.

6 Sec. 9. Section six hundred one E point six (601E.6),
7 Code 1979, is amended to read as follows:

8 601E.6 SPECIAL HANDICAPPED IDENTIFICATION DEVICES FOR
9 HANDICAPPED PERSONS.

10 1. A ~~special~~ handicapped identification device bearing
11 ~~the international symbol of accessibility~~ may be displayed
12 in a motor vehicle being used, either as operator or passenger,
13 ~~by an individual who is confined to a wheelchair or is~~
14 ~~otherwise so physically~~ handicapped ~~that he or she has~~
15 ~~significant difficulty or insecurity in walking~~ person. The
16 devices shall be of uniform design and fabricated of durable
17 material, suitable for display from within the passenger
18 compartment of a motor vehicle, and readily transferable from
19 one vehicle to another. They shall be acquired by the
20 department and sold at cost to handicapped persons ~~who are~~
21 ~~physically handicapped to the extent described in this section,~~
22 upon application on forms prescribed by the department.
23 Before delivering a ~~special~~ handicapped identification device
24 to a purchaser, the department shall permanently affix to
25 the device a unique number which may be used by the department
26 to identify that individual purchaser.

27 2. A city or other political subdivision which provides
28 on-street parking areas or off-street parking facilities shall
29 ~~in all cases where so required by chapters 103A and 104A,~~
30 ~~and may in all other cases,~~ set aside special at least one
31 percent of the parking places designated only for parking
32 motor vehicles displaying a special identification device
33 issued under this section spaces as handicapped parking spaces.
34 A person may also set aside handicapped parking spaces on
35 the person's property provided each parking space is clearly

1 and prominently designated as a handicapped parking space.
2 The use of a handicapped parking spaces-which-are-so-designated
3 and-are-located-on-public-property space by a motor vehicle
4 not displaying such a handicapped identification device, or
5 by a motor vehicle displaying such a device but not being
6 used as operator or passenger by the-individual-to-whom-the
7 device-has-been-issued-ex-another-individual-physically a
8 handicapped to-the-extent-described-by-this-section person,
9 shall-be is a misdemeanor for which a fine not-to-exceed-one
10 hundred-dollars may be imposed upon the owner of the motor
11 vehicle. The fine for the first violation within a twelve
12 month period shall be ten dollars, for the second violation,
13 twenty-five dollars, and for the third or subsequent violations
14 within a twelve month period, one hundred dollars. Proof of
15 conviction of three or more such violations involving improper
16 use of the same special handicapped identification device
17 shall-be is grounds for revocation by the department of the
18 holder's privilege to use the device.

19 3. The department shall promulgate rules:

20 a. Establishing procedure for applying to the department
21 for issuance of a special handicapped identification device
22 under this section.

23 b. Requiring persons issued special handicapped
24 identification devices to furnish evidence at appropriate
25 intervals that they remain physically handicapped to the
26 extent described by subsection 1.

27 c. Establishing advisory standards for dimensions, manner
28 of designation, and general location of handicapped parking
29 spaces,-to-be-considered-by-cities-and-other-political
30 subdivisions-which-elect-to-proceed-under-subsection-2. The
31 advisory standards promulgated under this paragraph shall
32 not unnecessarily duplicate and shall not conflict with
33 standards promulgated pursuant to chapters 103A and 104A.

34 d. Governing the manner in which special handicapped
35 identification devices are to be displayed in motor vehicles

1 parked in spaces designated under subsection 2.

2 Sec. 10. Chapter six hundred one E (601E), Code 1979,
3 is amended by adding the following new sections as sections
4 six hundred one E point seven (601E.7) and six hundred one
5 E point eight (601E.8):

6 NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN. The
7 department shall design a handicapped parking sign bearing
8 the international symbol of accessibility and the logo symbol
9 of the department. The sign will have a unique number at
10 least one-half inch in height to identify the location and
11 the city, political subdivision, or person for which the sign
12 is issued. The sign shall be of uniform design and fabricated
13 of durable material, suitable for outdoor display on sign
14 posts, parking meters, fences, walls, and sides of buildings.
15 The sign shall be acquired by the department and sold at cost
16 to a person who owns real property in the state or to a city
17 or other political subdivision. A person who maintains
18 handicapped parking spaces on the person's property within
19 a city shall be reimbursed by the city for the person's
20 purchase of one handicapped parking sign for each handicapped
21 parking space provided.

22 NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE. A
23 handicapped parking space shall meet the following
24 requirements:

25 1. Each space shall be at least one hundred forty-four
26 inches wide, or, if two or more spaces are adjacent to each
27 other, each space shall be at least one hundred twenty inches
28 wide with at least a forty-eight inch walkway between each
29 space.

30 2. A curb ramp shall be provided over any curb located
31 within fifteen feet of the handicapped parking space. The
32 ramp must allow easy access over the curb by a wheelchair.

33 Sec. 11. Section six hundred two point fifty-five (602.55),
34 Code 1979, is amended to read as follows:

35 602.55 FUNDS, REPORTS. Each month each judicial magistrate

1 and district associate judge shall file with the clerk of
2 the district court of the proper county a sworn, itemized
3 statement, of all cases disposed of and all funds received
4 and disbursed per case, and at least monthly shall remit to
5 the clerk all funds received by ~~him~~ the magistrate or judge.
6 The clerk shall provide adequate clerical assistance to
7 judicial magistrates and district associate judges to carry
8 out this section. The clerk shall remit ninety percent of
9 all fines and forfeited bail received from a magistrate or
10 district associate judge to the city that was the plaintiff
11 in any action, shall remit to the city ninety percent of all
12 fines and forfeited bail received for improper use of
13 handicapped parking spaces in violation of section six hundred
14 one E point six (601E.6), subsection two (2) of the Code when
15 such violations occurred within the city, and shall provide
16 that city with a statement showing the total number of such
17 cases, the total of all fines and forfeited bail collected
18 and the total of all cases dismissed. The clerk shall remit
19 the remaining ten percent to the county treasurer for deposit
20 in the county general fund. The clerk shall remit to the
21 treasurer of the county, for the benefit of the school fund,
22 all other fines and forfeited bail received from a magistrate.
23 All fees and costs for the filing of a complaint or information
24 or upon forfeiture of bail received from a magistrate shall
25 be remitted monthly by the clerk as follows:

26 1. Three-fifths to the ~~state~~ treasurer of state to be
27 credited to the general fund of the state.

28 2. Two-fifths to the county treasurer to be credited to
29 the general fund of the county.

30 Sec. 12. Section one (1) of this Act applies to buildings
31 and facilities under construction or constructed on or after
32 the effective date of this Act.

33 Sec. 13. This Act becomes effective January first following
34 its enactment.

35

EXPLANATION

1 This bill requires cities and other political subdivisions
2 that provide on-street or off-street parking to set aside
3 at least one percent of the parking for handicapped
4 individuals. A person may also set aside handicapped parking
5 spaces on the person's property. After January 1, 1982,
6 private or public buildings or facilities which are intended
7 for use by the general public shall, if parking spaces are
8 provided, set aside at least one percent of those spaces as
9 handicapped parking spaces. This includes multiple-dwelling
10 residential buildings containing five or more individual
11 dwelling units. In addition, such public and private buildings
12 under construction or constructed after the bill's effective
13 date shall set aside at least one percent of parking spaces
14 provided as handicapped parking spaces. A person whose
15 automobile is improperly parked in a handicapped parking space
16 is guilty of a misdemeanor subject to a fine of ten dollars
17 for the first violation within a twelve month period, twenty-
18 five dollars for the second, and one hundred dollars for
19 subsequent violations within a twelve month period. Ninety
20 percent of all such fines are remitted to the city in which
21 the violations occurred. The department shall sell handicapped
22 parking signs at cost, upon request, to cities, other political
23 subdivisions, and property owners. A person who sets aside
24 handicapped parking spaces on the person's property within
25 a city and who purchases from the state department of
26 transportation handicapped parking signs to designate the
27 spaces shall be reimbursed by the city for the cost of the
28 signs.

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SENATE CLIP SHEET

MARCH 26, 1980

SENATE FILE 2333

S-5517

1 Amend Senate File 2333 as follows:

2 1. Page 1, line 6, by inserting after the word
3 "Code." the following: "This subsection applies only
4 to public buildings and facilities."

5 2. Page 1, line 10, by striking the words "and
6 private".

7 3. Page 1, line 15, by inserting after the word
8 "to" the word "public".

9 4. Page 5, by inserting after line 32, the
10 following:

11 "3. Each space shall be clearly designated as
12 a handicapped parking space by the display of the
13 international symbol of accessibility either on a
14 sign or painted on the surface of the space, or as
15 prescribed by the department."

S-5517 FILED
MARCH 25, 1980

BY EDGAR H. HOLDEN
ALVIN V. MILLER

RULED OUT OF ORDER (p. 1063)

SENATE FILE 2333

S-5519

1 Amend Senate File 2333 as follows:

2 1. Page 5, by inserting after line 32, the
3 following:

4 "3. Each space shall be clearly designated as
5 a handicapped parking space by the display of the
6 international symbol of accessibility either on a
7 sign or painted on the surface of the space, or as
8 prescribed by the department."

S-5519 FILED
MARCH 25, 1980
ADOPTED (p. 1063)

BY EDGAR H. HOLDEN
ALVIN V. MILLER

SENATE FILE 2333

S-5516

1 Amend Senate File 2333 as follows:

2 1. Page 4, by striking lines 20 through 26 and
3 inserting in lieu thereof the following:

4 "a. Establishing procedure for applying to the
5 department for issuance of a permanent or temporary
6 special handicapped identification device under this
7 section.

8 b. ~~Requiring persons issued special identification~~
9 ~~devices to furnish evidence at appropriate intervals~~
10 ~~that they remain physically handicapped to the extent~~
11 ~~described by subsection 1 who seek permanent handicapped~~
12 ~~identification devices to furnish evidence upon initial~~
13 ~~application that they are permanently handicapped; and~~
14 ~~requiring persons who seek temporary handicapped iden-~~
15 ~~tification devices to furnish evidence upon initial~~
16 ~~application that they are physically handicapped and,~~
17 ~~in addition, to furnish evidence at six month intervals~~
18 ~~that they remain physically handicapped."~~

S-5516 FILED
MARCH 25, 1980
ADOPTED *(p. 1000)*

BY BERL E. PRIEBE
NORMAN RODGERS
FORREST V. SCHWENGELS
ALVIN V. MILLER
EDGAR H. HOLDEN

RICHARD COMITO
LOWELL L. JUNKINS
ARTHUR L. GRATIAS
DALE L. TIEDEN

S-5510

1 Amend Senate File 2333 as follows:

2 1. Page 1, by striking lines 3 through 6, and
3 inserting in lieu thereof the following:
4 "NEW SUBSECTION. For public and private buildings
5 and facilities other than residences which provide
6 forty-eight or more parking spaces, at least one
7 percent of the parking spaces provided shall be set
8 aside as handicapped parking spaces as defined in
9 section six hundred one E point one (601E.1) of the
10 Code."

11 2. Page 1, by striking lines 9 through 16, and
12 inserting in lieu thereof the following:

13 "NEW SECTION. Effective January 1, 1982, all
14 public and private buildings and facilities, temporary
15 and permanent, used by the general public, which are
16 not residences and which provide forty-eight or more
17 parking spaces, shall set aside at least one percent
18 of the parking spaces provided as handicapped parking
19 spaces as defined in section six hundred one E point
20 one (601E.1) of the Code.

21 Effective January 1, 1982, all public and private
22 buildings and facilities, temporary and permanent,
23 which are residences and which provide twelve or more
24 parking spaces, shall set aside at least one
25 handicapped parking space as defined in section six
26 hundred one E point one (601E.1) of the Code for each
27 individual dwelling unit in which a handicapped person
28 resides."

S-5510 FILED
MARCH 24, 1980

BY RICHARD COMITO

SENATE FILE 2333

S-5514

1 Amend Senate File 2333 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:
4 "Sec. ____ Section one hundred three A point
5 twenty-one (103A.21), subsection three (3), Code 1979,
6 is amended to read as follows:

7 3. As an alternative to filing criminal charges
8 as provided in this section, the commissioner may
9 file a petition in the district court and obtain
10 injunctive relief for any violation of this chapter
11 or chapter one hundred four A (104A) of the Code.

12 2. Page 1, by inserting after line 6 the following:

13 "Buildings and facilities required under this
14 subsection to provide handicapped parking spaces shall
15 set aside at least one such space."

16 3. Page 1, by inserting after line 16 the
17 following:

18 "Buildings and facilities required under this
19 section to provide handicapped parking spaces shall
20 set aside at least one such space."

21 4. By renumbering sections and internal references
22 as necessary.

S-5514 FILED
MARCH 24, 1980

BY NORMAN J. GOODWIN

Adopted 3/25 (p. 10 & 2)

SENATE FILE 2333

S-5488

1 Amend Senate File 2333 as follows:
 2 1. Page 1, by striking lines 3 and 4 and inserting
 3 in lieu thereof the following:
 4 "NEW SUBSECTION. If twelve or more parking spaces
 5 are provided, at least one percent of the parking
 6 spaces shall be set aside as handicapped parking
 7 spaces".
 8 2. Page 1, by striking lines 12 and 13 and
 9 inserting in lieu thereof the following: "public,
 10 which provide twelve or more parking spaces, shall
 11 set aside at least one percent of the parking spaces
 12 as handicapped parking spaces as defined in".

S-5488 FILED
MARCH 21, 1980

BY NORMAN J. GOODWIN

Adopted 3/25 (p. 1062)

SENATE FILE 2333

S-5498

1 Amend Senate File 2333 as follows:
 2 1. Page 1, line 29, by inserting after the word
 3 "department" the following "or a sign bearing the
 4 international symbol of accessibility painted on the
 5 surface of the handicapped parking spaces."

S-5498 FILED
MARCH 21, 1980

BY EDGAR H. HOLDEN
ALVIN V. MILLER

*Adopted 3/25 (p. 1064)
Revised 3/25 (p. 1065)*

SENATE FILE 2333

S-5499

1 Amending the amendment S-5488 to Senate File 2333
 2 as follows:
 3 1. Page 1, line 1, by striking the word "If" and
 4 inserting in lieu thereof the following: "For public
 5 and private buildings and facilities other than residences
 6 which provide forty-eight or more parking spaces, and
 7 for residences which provide".
 8 2. Page 1, line 5, by striking the words "are
 9 provided".
 10 3. Page 1, by striking line 10 and inserting in
 11 lieu thereof the following: "which are not residences
 12 and which provide forty-eight or more parking spaces
 13 or residences which provide twelve or more parking
 14 spaces, shall".

S-5499 FILED
MARCH 21, 1980

BY RICHARD L. COMITO

Adopted 3/25 (p. 1065)

Transportation: Schroeder, Chair; Bennett and Miller.

SENATE FILE 2333

By COMMITTEE ON TRANSPORTATION

(AS AMENDED AND PASSED BY THE SENATE MARCH 25, 1980)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for the designation of handicapped parking
2 spaces and providing a penalty.

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

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_____ = New Language
by the Senate

1 Section 1. Section one hundred three A point twenty-one
2 (103A.21), subsection three (3), Code 1979, is amended to
3 read as follows:

4 3. As an alternative to filing criminal charges as provided
5 in this section, the commissioner may file a petition in the
6 district court and obtain injunctive relief for any violation
7 of this chapter or chapter one hundred four A (104A) of the
8 Code.

9 Sec. 2. Section one hundred four A point three (104A.3),
10 Code 1979, is amended by adding the following new subsection:

11 NEW SUBSECTION. For public and private buildings and
12 facilities other than residences which provide forty-eight
13 or more parking spaces, at least one percent of the parking
14 spaces provided shall be set aside as handicapped parking
15 spaces as defined in section six hundred one E point one
16 (601E.1) of the Code.

17 Buildings and facilities required under this subsection
18 to provide handicapped parking spaces shall set aside at least
19 one such space.

20 Sec. 3. Chapter one hundred four A (104A), Code 1979,
21 is amended by adding the following new section:

22 NEW SECTION. Effective January 1, 1982, all public and
23 private buildings and facilities, temporary and permanent,
24 used by the general public, which are not residences and which
25 provide forty-eight or more parking spaces, shall set aside
26 at least one percent of the parking spaces provided as
27 handicapped parking spaces as defined in section six hundred
28 one E point one (601E.1) of the Code.

29 Effective January 1, 1982, all public and private buildings
30 and facilities, temporary and permanent, which are residences
31 and which provide twelve or more parking spaces, shall set
32 aside at least one handicapped parking space as defined in
33 section six hundred one E point one (601E.1) of the Code for
34 each individual dwelling unit in which a handicapped person
35 resides.

1 Buildings and facilities required under this section to
2 provide handicapped parking spaces shall set aside at least
3 one such space.

4 Sec. 4. Section six hundred one E point one (601E.1),
5 subsection one (1), unnumbered paragraph one (1), Code 1979,
6 is amended to read as follows:

7 "Handicapped ~~or-paraplegic~~ person" means:

8 Sec. 5. Section six hundred one E point one (601E.1),
9 Code 1979, is amended by adding the following new subsections:
10 NEW SUBSECTION. "Department" means the state department
11 of transportation.

12 NEW SUBSECTION. "Director" means the director of
13 transportation.

14 NEW SUBSECTION. "Handicapped identification device" means
15 an identification device bearing the international symbol
16 of accessibility issued by the department.

17 NEW SUBSECTION. "Handicapped parking space" means a parking
18 space designated for use by only motor vehicles displaying
19 a handicapped identification device that meets the requirements
20 of section six hundred one E point eight (601E.8) of the Code.

21 Sec. 6. Section six hundred one E point two (601E.2),
22 Code 1979, is amended to read as follows:

23 601E.2 DISABLED MOTOR VEHICLE--DISPLAY OF FLAG. A person
24 whose motor vehicle is disabled, may use or display a distress
25 flag as a distress signal if he ~~qualifies-as~~ or she is a
26 handicapped ~~or-paraplegic~~ person and has been issued a permit
27 and a distress flag as provided in section 601E.3.

28 Sec. 7. Section six hundred one E point three (601E.3),
29 Code 1979, is amended to read as follows:

30 601E.3 APPLICATION--ISSUANCE OF FLAG. Any person desiring
31 a distress flag for use as provided in section 601E.2 shall
32 apply to the department ~~of-transportation~~, upon an application
33 form furnished by the department, providing ~~his~~ the applicant's
34 name, address, date of birth, a physician's signature attesting
35 to the disability and information on the type of physical

1 apparatus needed to operate a motor vehicle, if any, and
2 information relating to ~~his~~ the applicant's handicap required
3 by the director ~~of transportation~~. Upon determination by
4 the director that the applicant qualifies as a handicapped
5 ~~or paraplegic~~ person as defined in section 601E.1 and the
6 payment of a fee, the director shall issue the applicant a
7 permit to use a distress flag. The director shall determine
8 the fee for the distress flag except that the fee shall not
9 exceed the cost of the flag to the department. Each distress
10 flag shall be numbered and in the event of its loss or
11 destruction, the director may issue a duplicate upon payment
12 of the fee. The director shall maintain a record of all
13 applicants and those qualified applicants receiving permits
14 and distress flags.

15 Sec. 8. Section six hundred one E point four (601E.4),
16 Code 1979, is amended to read as follows:

17 601E.4 RETURN OF FLAG. If a person who has been issued
18 a permit and distress flag under this chapter becomes
19 disqualified as a handicapped ~~or paraplegic~~ person, ~~he~~ the
20 person shall return the permit and the distress flag to the
21 department.

22 Sec. 9. Section six hundred one E point five (601E.5),
23 Code 1979, is amended to read as follows:

24 601E.5 PENALTY. Any person who is not ~~qualified as a~~
25 handicapped ~~or paraplegic~~ person and uses a distress flag
26 as provided in this chapter or for any other purpose is guilty
27 of a simple misdemeanor.

28 Sec. 10. Section six hundred one E point six (601E.6),
29 Code 1979, is amended to read as follows:

30 601E.6 SPECIAL HANDICAPPED IDENTIFICATION DEVICES FOR
31 HANDICAPPED PERSONS.

32 1. A ~~special~~ handicapped identification device ~~bearing~~
33 ~~the international symbol of accessibility~~ may be displayed
34 in a motor vehicle being used, either as operator or passenger,
35 by ~~an individual who is confined to a wheelchair or is~~

1 ~~otherwise-so-physically~~ handicapped ~~that-he-or-she-has~~
2 ~~significant-difficulty-or-insecurity-in-walking~~ person. The
3 devices shall be of uniform design and fabricated of durable
4 material, suitable for display from within the passenger
5 compartment of a motor vehicle, and readily transferable from
6 one vehicle to another. They shall be acquired by the
7 department and sold at cost to handicapped persons who are
8 ~~physically-handicapped-to-the-extent-described-in-this-section~~
9 upon application on forms prescribed by the department.
10 Before delivering a ~~special~~ handicapped identification device
11 to a purchaser, the department shall permanently affix to
12 the device a unique number which may be used by the department
13 to identify that individual purchaser.

14 2. A city or other political subdivision which provides
15 on-street parking areas or off-street parking facilities shall
16 ~~in-all-cases-where-so-required-by-chapters-193A-and-104A,~~
17 ~~and-may-in-all-other-cases,~~ set aside special at least one
18 percent of the parking places-designated-only-for-parking
19 motor-vehicles-displaying-a-special-identification-device
20 issued-under-this-section spaces as handicapped parking spaces.
21 A person may also set aside handicapped parking spaces on
22 the person's property provided each parking space is clearly
23 and prominently designated as a handicapped parking space.
24 The use of a handicapped parking spaces-which-are-so-designated
25 and-are-located-on-public-property space by a motor vehicle
26 not displaying such a handicapped identification device, or
27 by a motor vehicle displaying such a device but not being
28 used as operator or passenger by ~~the-individual-to-whom-the~~
29 ~~device-has-been-issued-or-another-individual-physically~~ a
30 handicapped to-the-extent-described-by-this-section person,
31 ~~shall-be~~ is a misdemeanor for which a fine ~~not-to-exceed-one~~
32 hundred-dollars may be imposed upon the owner of the motor
33 vehicle. The fine for the first violation within a twelve
34 month period shall be ten dollars, for the second violation,
35 twenty-five dollars, and for the third or subsequent violations

1 within a twelve month period, one hundred dollars. Proof of
2 conviction of three or more ~~such~~ violations involving improper
3 use of the same ~~special~~ handicapped identification device
4 ~~shall-be~~ is grounds for revocation by the department of the
5 holder's privilege to use the device.

6 3. The department shall promulgate rules:

7 a. ~~Establishing procedure for applying to the department~~
8 ~~for issuance of a permanent or temporary special handicapped~~
9 ~~identification device under this section.~~

10 b. ~~Requiring persons issued special identification devices~~
11 ~~to furnish evidence at appropriate intervals that they remain~~
12 ~~physically handicapped to the extent described by subsection~~
13 ~~4 who seek permanent handicapped identification devices to~~
14 ~~furnish evidence upon initial application that they are~~
15 ~~permanently handicapped; and requiring persons who seek~~
16 ~~temporary handicapped identification devices to furnish~~
17 ~~evidence upon initial application that they are physically~~
18 ~~handicapped and, in addition, to furnish evidence at six month~~
19 ~~intervals that they remain physically handicapped.~~

20 c. ~~Establishing advisory standards for dimensions, manner~~
21 ~~of designation, and general location of handicapped parking~~
22 ~~spaces; to-be-considered-by-cities-and-other-political~~
23 ~~subdivisions-which-elect-to-proceed-under-subsection-2.~~ The
24 advisory standards promulgated under this paragraph shall
25 not unnecessarily duplicate and shall not conflict with
26 standards promulgated pursuant to chapters 103A and 104A.

27 d. Governing the manner in which ~~special~~ handicapped
28 identification devices are to be displayed in motor vehicles
29 parked in spaces designated under subsection 2.

30 Sec. 11. Chapter six hundred one E (601E), Code 1979,
31 is amended by adding the following new sections as sections
32 six hundred one E point seven (601E.7) and six hundred one
33 E point eight (601E.8):

34 NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN. The
35 department shall design a handicapped parking sign bearing

1 the international symbol of accessibility and the logo symbol
2 of the department. The sign will have a unique number at
3 least one-half inch in height to identify the location and
4 the city, political subdivision, or person for which the sign
5 is issued. The sign shall be of uniform design and fabricated
6 of durable material, suitable for outdoor display on sign
7 posts, parking meters, fences, walls, and sides of buildings.
8 The sign shall be acquired by the department and sold at cost
9 to a person who owns real property in the state or to a city
10 or other political subdivision. A person who maintains
11 handicapped parking spaces on the person's property within
12 a city shall be reimbursed by the city for the person's
13 purchase of one handicapped parking sign for each handicapped
14 parking space provided.

15 NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE. A
16 handicapped parking space shall meet the following
17 requirements:

18 1. Each space shall be at least one hundred forty-four
19 inches wide, or, if two or more spaces are adjacent to each
20 other, each space shall be at least one hundred twenty inches
21 wide with at least a forty-eight inch walkway between each
22 space.

23 2. A curb ramp shall be provided over any curb located
24 within fifteen feet of the handicapped parking space. The
25 ramp must allow easy access over the curb by a wheelchair.

26 3. Each space shall be clearly designated as a handicapped
27 parking space by the display of the international symbol of
28 accessibility either on a sign or painted on the surface of
29 the space, or as prescribed by the department.

30 Sec. 12. Section six hundred two point fifty-five (602.55),
31 Code 1979, is amended to read as follows:

32 602.55 FUNDS, REPORTS. Each month each judicial magistrate
33 and district associate judge shall file with the clerk of
34 the district court of the proper county a sworn, itemized
35 statement, of all cases disposed of and all funds received

1 and disbursed per case, and at least monthly shall remit to
2 the clerk all funds received by ~~him~~ the magistrate or judge.
3 The clerk shall provide adequate clerical assistance to
4 judicial magistrates and district associate judges to carry
5 out this section. The clerk shall remit ninety percent of
6 all fines and forfeited bail received from a magistrate or
7 district associate judge to the city that was the plaintiff
8 in any action, shall remit to the city ninety percent of all
9 fines and forfeited bail received for improper use of
10 handicapped parking spaces in violation of section six hundred
11 one E point six (601E.6), subsection two (2) of the Code when
12 such violations occurred within the city, and shall provide
13 that city with a statement showing the total number of such
14 cases, the total of all fines and forfeited bail collected
15 and the total of all cases dismissed. The clerk shall remit
16 the remaining ten percent to the county treasurer for deposit
17 in the county general fund. The clerk shall remit to the
18 treasurer of the county, for the benefit of the school fund,
19 all other fines and forfeited bail received from a magistrate.
20 All fees and costs for the filing of a complaint or information
21 or upon forfeiture of bail received from a magistrate shall
22 be remitted monthly by the clerk as follows:

23 1. Three-fifths to the state treasurer of state to be
24 credited to the general fund of the state.

25 2. Two-fifths to the county treasurer to be credited to
26 the general fund of the county.

27 Sec. 13. Section one (1) of this Act applies to buildings
28 and facilities under construction or constructed on or after
29 the effective date of this Act.

30 Sec. 14. This Act becomes effective January first following
31 its enactment.

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