

SENATE FILE 87

BY COMMITTEE ON TRANSPORTATION

FILED JAN 14 1987

Passed Senate, Date 8-2-81 (p. 295) Passed House, Date \_\_\_\_\_  
Vote: Ayes 27 Nays 12 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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1 Section 1. Section 103A.21, subsection 3, Code 1981, is  
2 amended to read as follows:

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

7 Sec. 2. Section 104A.3, Code 1981, is amended by adding  
8 the following new subsection:

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

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

17 Sec. 3. Chapter 104A, Code 1981, is amended by adding  
18 the following new section:

19 NEW SECTION. Effective January 1, 1982, all public and  
20 private buildings and facilities, temporary and permanent,  
21 used by the general public, which are not residences and which  
22 provide forty-eight or more parking spaces, shall set aside  
23 at least one percent of the parking spaces provided as  
24 handicapped parking spaces as defined in section 601E.1.

25 Effective January 1, 1982, all public and private buildings  
26 and facilities, temporary and permanent, which are residences  
27 and which provide twelve or more parking spaces, excluding  
28 extended health care facilities, shall set aside at least  
29 one handicapped parking space as defined in section 601E.1  
30 for each individual dwelling unit in which a handicapped  
31 person resides.

32 Buildings and facilities required under this section to  
33 provide handicapped parking spaces shall set aside at least  
34 one such space.

35 Sec. 4. Section 601E.1, subsection 1, unnumbered paragraph

1 1, Code 1981, is amended to read as follows:

2 "Handicapped ~~ex-paraplegic~~ person" means:

3 Sec. 5. Section 601E.1, Code 1981, is amended by adding  
4 the following new subsections:

5 NEW SUBSECTION. "Department" means the state department  
6 of transportation.

7 NEW SUBSECTION. "Director" means the director of  
8 transportation.

9 NEW SUBSECTION. "Handicapped identification device" means  
10 an identification device bearing the international symbol  
11 of accessibility issued by the department.

12 NEW SUBSECTION. "Handicapped parking space" means a parking  
13 space designated for use by only motor vehicles displaying  
14 a handicapped identification device that meets the requirements  
15 of section 601E.8.

16 Sec. 6. Section 601E.2, Code 1981, is amended to read  
17 as follows:

18 601E.2 DISABLED MOTOR VEHICLE--DISPLAY OF FLAG. A person  
19 whose motor vehicle is disabled, may use or display a distress  
20 flag as a distress signal if he qualifies as or she is a  
21 handicapped ~~ex-paraplegic~~ person and has been issued a permit  
22 and a distress flag as provided in section 601E.3.

23 Sec. 7. Section 601E.3, Code 1981, is amended to read  
24 as follows:

25 601E.3 APPLICATION--ISSUANCE OF FLAG. Any person desiring  
26 a distress flag for use as provided in section 601E.2 shall  
27 apply to the department ~~of transportation~~, upon an application  
28 form furnished by the department, providing his the applicant's  
29 name, address, date of birth, a physician's signature attesting  
30 to the disability and information on the type of physical  
31 apparatus needed to operate a motor vehicle, if any, and  
32 information relating to his the applicant's handicap required  
33 by the director ~~of transportation~~. Upon determination by  
34 the director that the applicant qualifies as a handicapped  
35 ~~ex-paraplegic~~ person as defined in section 601E.1 and the

1 payment of a fee, the director shall issue the applicant a  
2 permit to use a distress flag. The director shall determine  
3 the fee for the distress flag except that the fee shall not  
4 exceed the cost of the flag to the department. Each distress  
5 flag shall be numbered and in the event of its loss or  
6 destruction, the director may issue a duplicate upon payment  
7 of the fee. The director shall maintain a record of all  
8 applicants and those qualified applicants receiving permits  
9 and distress flags.

10 Sec. 8. Section 601E.4, Code 1981, is amended to read  
11 as follows:

12 601E.4 RETURN OF FLAG. If a person who has been issued  
13 a permit and distress flag under this chapter becomes  
14 disqualified as a handicapped ~~or-paraplegic~~ person, he the  
15 person shall return the permit and the distress flag to the  
16 department.

17 Sec. 9. Section 601E.5, Code 1981, is amended to read  
18 as follows:

19 601E.5 PENALTY. Any person who is not ~~qualified-as~~ a  
20 handicapped ~~or-paraplegic~~ person and uses a distress flag  
21 as provided in this chapter or for any other purpose is guilty  
22 of a simple misdemeanor.

23 Sec. 10. Section 601E.6, Code 1981, is amended to read  
24 as follows:

25 601E.6 SPECIAL HANDICAPPED IDENTIFICATION DEVICES FOR  
26 HANDICAPPED-PERSONS.

27 1. A ~~special~~ handicapped identification device bearing  
28 ~~the-international-symbol-of-accessibility~~ may be displayed  
29 in a motor vehicle being used, either as operator or passenger,  
30 by ~~an-individual-who-is-confined-to~~ a wheelchair ~~or-is~~  
31 ~~otherwise-so-physically~~ handicapped ~~that-he-or-she-has~~  
32 ~~significant-difficulty-or-insecurity-in-walking~~ person. The  
33 devices shall be of uniform design and fabricated of durable  
34 material, suitable for display from within the passenger  
35 compartment of a motor vehicle, and readily transferable from

1 one vehicle to another. They shall be acquired by the  
2 department and sold ~~at-cost~~ for a five dollar fee to  
3 ~~handicapped~~ persons who are physically handicapped to the  
4 ~~extent described in this section,~~ upon application on forms  
5 prescribed by the department. Before delivering a ~~special~~  
6 handicapped identification device to a purchaser, the  
7 department shall permanently affix to the device a unique  
8 number which may be used by the department to identify that  
9 individual purchaser.

10 2. A city or other political subdivision which provides  
11 on-street parking areas or off-street parking facilities shall  
12 ~~in all cases where so required by chapters 103A and 104A,~~  
13 ~~and may in all other cases,~~ set aside ~~special~~ at least one  
14 percent of the metered parking places designated only for  
15 parking motor vehicles displaying a special identification  
16 device issued under this section spaces as handicapped parking  
17 spaces. A person may also set aside handicapped parking  
18 spaces on the person's property provided each parking space  
19 is clearly and prominently designated as a handicapped parking  
20 space. The use of a handicapped parking spaces which are so  
21 designated and are located on public property space by a motor  
22 vehicle not displaying ~~such~~ a handicapped identification  
23 device, or by a motor vehicle displaying such a device but  
24 not being used as operator or passenger by ~~the individual~~  
25 ~~to whom the device has been issued or another individual~~  
26 physically a handicapped to the extent described by this  
27 section person, shall be is a misdemeanor for which a fine  
28 not to exceed one hundred dollars may be imposed upon the  
29 owner of the motor vehicle. The fine for each violation is  
30 fifteen dollars. Proof of conviction of three or more ~~such~~  
31 violations involving improper use of the same ~~special~~  
32 handicapped identification device ~~shall be is~~ grounds for  
33 revocation by the department of the holder's privilege to  
34 use the device.

35 3. The department shall promulgate rules:

1 a. Establishing procedure for applying to the department  
2 for issuance of a ~~special~~ permanent or temporary handicapped  
3 identification device under this section.

4 b. Requiring persons ~~issued special identification devices~~  
5 ~~to furnish evidence at appropriate intervals that they remain~~  
6 ~~physically handicapped to the extent described by subsection~~  
7 who seek permanent handicapped identification devices to  
8 furnish evidence upon initial application that they are  
9 permanently handicapped; and requiring persons who seek  
10 temporary handicapped identification devices to furnish  
11 evidence upon initial application that they are physically  
12 handicapped and, in addition, to furnish evidence at six-month  
13 intervals that they remain physically handicapped.

14 ~~e. Establishing advisory standards for dimensions and~~  
15 ~~general location of parking spaces, to be considered by cities~~  
16 ~~and other political subdivisions which elect to proceed under~~  
17 ~~subsection 2. The advisory standards promulgated under this~~  
18 ~~paragraph shall not unnecessarily duplicate and shall not~~  
19 ~~conflict with standards promulgated pursuant to chapters 103A~~  
20 ~~and 104A.~~

21 d c. Governing the manner in which ~~special~~ handicapped  
22 identification devices are to be displayed in motor vehicles  
23 parked in spaces designated under subsection 2.

3046  
25.17

24 Sec. 11. Chapter 601E, Code 1981, is amended by adding  
25 the following new sections as sections 601E.7 and 601E.8:

230

26 NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN. The  
27 department shall design a handicapped parking sign bearing  
28 the international symbol of accessibility and the logo symbol  
29 of the department. The sign shall have a unique number at  
30 least one-half inch in height to identify the location and  
31 the city, political subdivision, or person for which the sign  
32 is issued. The sign shall be of uniform design and fabricated  
33 of durable material, suitable for outdoor display on sign  
34 posts, parking meters, fences, walls, and sides of buildings.  
35 The sign shall be acquired by the department and sold at cost

1 to a person who owns or leases real property in the state  
2 or to a city or other political subdivision. A person who  
3 maintains handicapped parking spaces on the person's property  
4 within a city shall be reimbursed by the city for the person's  
5 purchase of one handicapped parking sign for each handicapped  
6 parking space provided.

7 NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE. A  
8 handicapped parking space shall meet the following  
9 requirements:

10 1. Each space shall be at least one hundred forty-four  
11 inches wide, or, if two or more spaces are adjacent to each  
12 other, each space shall be at least one hundred twenty inches  
13 wide with at least a forty-eight inch walkway between each  
14 space.

15 2. Each space shall be clearly designated as a handicapped  
16 parking space by the display of the international symbol of  
17 accessibility either on a sign or painted on the surface of  
18 the space, or as prescribed by the department.

19 Sec. 12. Section 602.55, Code 1981, is amended to read  
20 as follows:

21 602.55 FUNDS, REPORTS. Each month each judicial magistrate  
22 and district associate judge shall file with the clerk of  
23 the district court of the proper county a sworn, itemized  
24 statement, of all cases disposed of and all funds received  
25 and disbursed per case, and at least monthly shall remit to  
26 the clerk all funds received ~~by him or her~~. The clerk shall  
27 provide adequate clerical assistance to judicial magistrates  
28 and district associate judges to carry out this section.

29 The clerk shall remit ninety percent of all fines and forfeited  
30 bail received from a magistrate or district associate judge  
31 to the city that was the plaintiff in any action, shall remit  
32 to the city or county ninety percent of all fines and forfeited  
33 bail received for improper use of handicapped parking spaces  
34 in violation of section 601E.6, subsection 2, when the  
35 violations occurred within the city or the county when the

1 violations occurred in the unincorporated area of the county,  
2 and shall provide that city with a statement showing the total  
3 number of such cases, the total of all fines and forfeited  
4 bail collected and the total of all cases dismissed. The  
5 clerk shall remit the remaining ten percent to the county  
6 treasurer for deposit in the county general fund. The clerk  
7 shall remit to the treasurer of the county, for the benefit  
8 of the school fund, all other fines and forfeited bail received  
9 from a magistrate. All fees and costs for the filing of a  
10 complaint or information or upon forfeiture of bail received  
11 from a magistrate shall be remitted monthly by the clerk as  
12 follows:

13 1. Two-thirds to the treasurer of state to be credited  
14 to the general fund of the state.

15 2. One-third to the county treasurer to be credited to  
16 the general fund of the county.

17 Sec. 13. Section 2 of this Act applies to buildings and  
18 facilities under construction or constructed on or after the  
19 effective date of this Act.

20 EXPLANATION

21 This bill requires cities and other political subdivisions  
22 that provide on-street or off-street parking to set aside  
23 at least one percent of the parking for handicapped  
24 individuals. A person may also set aside handicapped parking  
25 spaces on the person's property. After January 1, 1982,  
26 private or public buildings or facilities which are intended  
27 for use by the general public shall, if parking spaces are  
28 provided, set aside at least one percent of those spaces as  
29 handicapped parking spaces. This includes multiple-dwelling  
30 residential buildings which provide twelve or more parking  
31 spaces. In addition, such public and private buildings under  
32 construction or constructed after the bill's effective date  
33 shall set aside at least one percent of parking spaces provided  
34 as handicapped parking spaces.

35 A person whose automobile is improperly parked in a

1 handicapped parking space is guilty of a misdemeanor subject  
2 to a fine of fifteen dollars for each violation. Ninety  
3 percent of all such fines are remitted to the city or county  
4 in which the violations occurred. The department shall sell  
5 handicapped parking signs at cost, upon request, to cities,  
6 other political subdivisions, and property owners. A person  
7 who sets aside handicapped parking spaces on the person's  
8 property within a city and who purchases from the state  
9 department of transportation handicapped parking signs to  
10 ~~designate the spaces shall be reimbursed by the city for the~~  
11 ~~cost of the signs.~~

12 The bill will take effect July 1 following its enactment.  
13  
14

15 SENATE FILE 87  
16 FISCAL NOTE

17 REQUESTED BY SENATOR DRAKE, JANUARY 13, 1981  
18

19 In compliance with a written request there is hereby submitted a  
20 Fiscal Note for Senate File 87 pursuant to Joint Rule 16.

21 S.F. 87, An Act providing for the designation of handicapped parking spaces and  
22 and providing a penalty.

23 This bill requires political subdivisions and private or public buildings and  
24 facilities set aside at least one percent of the parking for handicapped individuals.

25 This bill increases the fee from \$1 to \$5 for handicapped identification devices  
26 for an estimated increase of \$11,000 in revenue per year. A person whose automobile  
27 is improperly parked in a handicapped parking space is guilty of a misdemeanor sub-  
28 ject to a fine of \$15 for each violation. The number of violators cited for improper  
29 use of handicapped parking spaces is unavailable. It is estimated that there would  
30 be a slight increase in revenue to cities and counties. There is no cost of distri-  
31 buting handicapped parking signs.

32 SOURCE: DEPT. OF TRANSPORTATION

33 FILED:  
34 JANUARY 15, 1981

BY Gerry Rankin, Director  
LEGISLATIVE FISCAL BUREAU

7/5B 8935 69  
mf/sc/14

SENATE CLIP SHEET

JANUARY 29, 1981

SENATE FILE 87

S-3026

1 Amend Senate File 87 as follows:

2 1. Page 5, by inserting after line 23 the following  
3 new paragraph.

4 "d. Establishing procedure and proof requirements  
5 for application to the department for issuance of  
6 a handicapped identification device by nonhandicapped  
7 persons who regularly transport handicapped persons."

S-3026 FILED

BY ROLF V. CRAFT

JANUARY 28, 1981

*Adopted 2/2 (p. 284)  
Recommended, amended by 304's adopted 2/2 (p. 294)*

SENATE FILE 87

S-3027

1 Amend Senate File 87 as follows:

2 1. Page 5, by inserting after line 23 the  
3 following:

4 "Sec. \_\_\_\_ . Section 601E.6, Code 1981, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. Handicapped identification devices  
7 issued by other states to their handicapped citizens,  
8 for purposes and under rules similar to those of this  
9 section, shall be treated the same as handicapped  
10 identification devices issued under this section."

11 2. By renumbering sections to conform to this  
12 amendment.

S-3027 FILED

BY ROLF V. CRAFT

JANUARY 28, 1981

*Adopted 2/2 (p. 284)*

SENATE CLIP SHEET

JANUARY 21, 1981

SENATE FILE 87

S-3008

1 Amend Senate File 87 as follows:

2 1. Page 1, by inserting after line 34 the  
3 following:

4 "Sec. \_\_\_\_ . Section 321.484, Code 1981, is amended  
5 by adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. The owner of a vehicle  
7 shall not be held responsible for a violation of a  
8 provision regulating the stopping, standing or parking  
9 of a vehicle, whether the provision is contained in  
10 this chapter, or chapter 601E, or an ordinance or  
11 other regulation or rule, if the owner establishes  
12 that at the time of the violation the vehicle was  
13 in the custody of an identified person other than  
14 the owner pursuant to a lease as defined in chapter  
15 321F. The furnishing to the clerk of court where  
16 the charge is pending of a copy of the certificate  
17 of responsibility prescribed by section 321F.6 that  
18 was in effect for the vehicle at the time of the  
19 alleged violation shall be prima facie evidence that  
20 the vehicle was in the custody of an identified person  
21 other than the owner within the meaning of this  
22 paragraph, and the charge against the owner shall  
23 be dismissed. The clerk of court then shall cause  
24 a uniform citation and complaint to be issued against  
25 the lessee of the vehicle, and the citation shall  
26 be served upon the defendant by ordinary mail directed  
27 to the defendant at the address shown in the  
28 certificate of responsibility."

29 2. Page 4, line 29, by inserting after the word  
30 "owner" the words ", operator, or lessee".

31 3. Page 7, by inserting after line 16 the  
32 following:

33 "Sec. \_\_\_\_ . Section 805.8, subsection 2, Code 1981,  
34 is amended by adding the following new lettered  
35 paragraph:

36 NEW LETTERED PARAGRAPH. For a violation of section  
37 601E.6, regulating the use of handicapped parking  
38 spaces, the scheduled fine is fifteen dollars."

39 4. Renumber sections as necessary.

S-3008 FILED

JANUARY 20, 1981

*Adopted 2/2 (p 284)*

BY RICHARD F. DRAKE

JOHN W. JENSEN

RICHARD COMITO

DONALD V. DOYLE

SENATE CLIP SHEET

JANUARY 29, 1981

SENATE FILE 87

S-3026

- 1 Amend Senate File 87 as follows:  
2 1. Page 5, by inserting after line 23 the following  
3 new paragraph.  
4 "d. Establishing procedure and proof requirements  
5 for application to the department for issuance of  
6 a handicapped identification device by nonhandicapped  
7 persons who regularly transport handicapped persons."

S-3026 FILED BY ROLF V. CRAFT  
JANUARY 28, 1981

*Adopted 2/2 (p. 284)  
Reconsidered, amended by 2041's Adopted 2/2 (p. 294)*

SENATE FILE 87

S-3027

- 1 Amend Senate File 87 as follows:  
2 1. Page 5, by inserting after line 23 the  
3 following:  
4 "Sec. \_\_\_\_ Section 601E.6, Code 1981, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. Handicapped identification devices  
7 issued by other states to their handicapped citizens,  
8 for purposes and under rules similar to those of this  
9 section, shall be treated the same as handicapped  
10 identification devices issued under this section."  
11 2. By renumbering sections to conform to this  
12 amendment.

S-3027 FILED BY ROLF V. CRAFT  
JANUARY 28, 1981

*Adopted 2/2 (p. 284)*

SENATE FILE 87

S-3007

- 1 Amend Senate File 87 as follows:  
2 1. Page 6, by inserting after line 18 the  
3 following:  
4 "3. The requirements of this section which specify  
5 the dimensions of a handicapped parking space shall  
6 not apply to metered on-street parking spaces."

S-3007 FILED BY RICHARD F. DRAKE  
JANUARY 19, 1981  
RICHARD L. COMITO

*Adopted 2/2 (p. 284)*

SENATE CLIP SHEET

FEBRUARY 2, 1981

SENATE FILE 87

S-3030

1 Amend Senate File 87 as follows:

2 1. Page 5, by striking lines 26 through 35 and  
3 inserting in lieu thereof the following:

4 "NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN.

5 The handicapped parking sign shall bear the  
6 international symbol of accessibility. The sign shall  
7 be sold by the department at cost to a person who  
8 owns or leases real property in the state. If a  
9 person who owns or leases real property in a city  
10 is required to provide handicapped parking spaces,  
11 the city may provide the signs for the person. When  
12 a city provides handicapped parking signs to a person  
13 who owns or leases real property in the city, the  
14 signs shall be provided upon request at no cost to  
15 the person. If the city council of a city determines  
16 that it will not provide handicapped parking signs  
17 for persons required to provide handicapped parking  
18 spaces, a person who maintains handicapped parking  
19 spaces on the person's property within a city shall  
20 be reimbursed by the city for the person's purchase  
21 of one handicapped parking sign for each handicapped  
22 parking space provided."

3 2. Page 6, by striking lines 1 through 6.

S-3030 FILED  
JANUARY 29, 1981  
*replaced 2/2 (p. 290)*

BY RICHARD F. DRAKE  
RICHARD COMITO

SENATE FILE 87

S-3032

1 Amend the Drake and Comito amendment, S-3030, to  
2 Senate File 87, as follows:

3 1. Page 1, line 10, by striking the words "is  
4 required to provide" and inserting in lieu thereof  
5 the word "provides".

S-3032 FILED  
FEBRUARY 2, 1981  
WITHDRAWN (p. 290)

BY EDGAR H. HOLDEN  
RICHARD COMITO

## SENATE FILE 87

S-3033

1 Amend Senate File 87 as follows:

- 2 1. Page 1, line 9, by striking the words "and  
3 private".
- 4 2. Page 1, line 13, by inserting after the period  
5 the words "Owners and lessees of private buildings  
6 and facilities who identify handicapped parking spaces  
7 in parking facilities serving the private buildings  
8 and facilities shall be subject to the requirements  
9 of this Act."
- 10 3. Page 1, lines 19 and 20, by striking the words  
11 "and private".
- 12 4. Page 1, line 25, by striking the words "and  
13 private".
- 14 5. Page 1, by inserting after line 31 the  
15 following:  
16 "Effective January 1, 1982, owners or lessees of  
17 private buildings and facilities, used by the general  
18 public, which are not residences and which provide  
19 forty-eight or more parking spaces, who identify  
20 handicapped parking spaces in parking facilities  
21 serving the public buildings and facilities shall  
22 be subject to the requirements of this Act."
- 23 6. Renumber sections and correct internal  
24 references as are required by this amendment.

S-3033 FILED & LOST (p. 290)  
FEBRUARY 2, 1981

BY EDGAR H. HOLDEN  
RICHARD COMITO

## SENATE FILE 87

S-3034

1 Amend Senate File 87 as follows:

- 2 1. Page 4, line 2, by striking the words " at  
3 east for a five dollar fee" and inserting in lieu  
4 thereof the words "at cost".

S-3034 FILED & ADOPTED (p. 275)  
FEBRUARY 2, 1981

BY BERL E. PRIEBE  
GEORGE R. KINLEY

## SENATE FILE 87

S-3038

1 Amend Senate File 87 as follows:

- 2 1. Page 4, lines 13 and 14, by striking the  
3 words "at least one percent of the metered".

S-3038 FILED, LOST (p. 295) BY JULIA B. GENTLEMAN  
FEBRUARY 2, 1981

## SENATE FILE 87

S-3041

1 Amend Senate amendment S-3026, to Senate File 87,  
2 as follows:

- 3 1. Page 1, by striking lines 6 and 7 and inserting  
4 in lieu thereof the words "a handicapped identification  
5 device to nonhandicapped individuals, government  
6 agencies, or private organizations which are engaged  
7 in providing transportation services for handicapped  
8 persons."

S-3041 FILED & ADOPTED (p. 295)  
FEBRUARY 2, 1981

BY ROLF V. CRAFT

Human Resources: Truecano, Chair; Clements and Lonergan.

*Amend from 2233 + 5. Pass 3/10 (p. 703)*

SENATE FILE 87

By COMMITTEE ON TRANSPORTATION

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 2, 1981)

Passed Senate, Date 4-27-81 (p. 1431) Passed House, Date 4-14-81 (p. 1241)  
Vote: Ayes 29 Nays 14 Vote: Ayes 94 Nays 4

Approved May 8 1981  
*Vote to renumbered +15 (p. 1257) w/22 w/23 (p. 1320)*

# 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:

SENATE FILE 87

H-3644

1 Amend amendment H-3628 to Senate File 87, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 5, by striking lines 21 through 26 and  
5 inserting in lieu thereof the following: "The handi-  
6 capped parking sign shall bear the international symbol  
7 of accessibility. If a political subdivision of the  
8 state or a person who owns or leases real property in  
9 the state is required by the state to provide one or more  
10 handicapped parking spaces, all costs, including the  
11 costs of the sign, installation, maintenance, repair and  
12 any other costs incurred by the person in order to  
13 comply with this Act, shall be paid by the state."

14 2. Page 6, line 11, by striking the word "ninety"  
15 and inserting in lieu thereof the word "ten".

16 3. Page 6, line 20, by inserting after the word  
17 "remaining" the words "ninety percent of all fines  
18 and forfeited bail received for violations of section  
19 601E.6, subsection 2, to the treasurer of state to  
20 be credited to the general fund of the state and the  
21 remaining".

22 4. Page 6, line 21, by inserting after the word  
23 "percent" the words "of all other fines and forfeited  
24 bail".

25 5. By renumbering sections and correcting internal  
26 references as required by this amendment.

H-3644 FILED APRIL 14, 1981  
RULED GERMANE, LOST (p. 1237)

BY CLEMENTS of Scott

1 Section 1. Section 103A.21, subsection 3, Code 1981, is  
2 amended to read as follows:

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

7 Sec. 2. Section 104A.3, Code 1981, is amended by adding  
8 the following new subsection:

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

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

17 Sec. 3. Chapter 104A, Code 1981, is amended by adding  
18 the following new section:

19 NEW SECTION. Effective January 1, 1982, all public and  
20 private buildings and facilities, temporary and permanent,  
21 used by the general public, which are not residences and which  
22 provide forty-eight or more parking spaces, shall set aside  
23 at least one percent of the parking spaces provided as  
24 handicapped parking spaces as defined in section 601E.1.

25 Effective January 1, 1982, all public and private buildings  
26 and facilities, temporary and permanent, which are residences  
27 and which provide twelve or more parking spaces, excluding  
28 extended health care facilities, shall set aside at least  
29 one handicapped parking space as defined in section 601E.1  
30 for each individual dwelling unit in which a handicapped  
31 person resides.

32 Buildings and facilities required under this section to  
33 provide handicapped parking spaces shall set aside at least  
34 one such space.

35 Sec. 4. Section 321.484, Code 1981, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. The owner of a vehicle shall  
3 not be held responsible for a violation of a provision  
4 regulating the stopping, standing or parking of a vehicle,  
5 whether the provision is contained in this chapter, or chapter  
6 601E, or an ordinance or other regulation or rule, if the  
7 owner establishes that at the time of the violation the vehicle  
8 was in the custody of an identified person other than the  
9 owner pursuant to a lease as defined in chapter 321F. The  
10 furnishing to the clerk of court where the charge is pending  
11 of a copy of the certificate of responsibility prescribed  
12 by section 321F.6 that was in effect for the vehicle at the  
13 time of the alleged violation shall be prima facie evidence  
14 that the vehicle was in the custody of an identified person  
15 other than the owner within the meaning of this paragraph,  
16 and the charge against the owner shall be dismissed. The  
17 clerk of court then shall cause a uniform citation and  
18 complaint to be issued against the lessee of the vehicle,  
19 and the citation shall be served upon the defendant by ordinary  
20 mail directed to the defendant at the address shown in the  
21 certificate of responsibility.

22 Sec. 5. Section 601E.1, subsection 1, unnumbered paragraph  
23 1, Code 1981, is amended to read as follows:

24 "Handicapped ~~or~~ paraplegic person" means:

25 Sec. 6. Section 601E.1, Code 1981, is amended by adding  
26 the following new subsections:

27 NEW SUBSECTION. "Department" means the state department  
28 of transportation.

29 NEW SUBSECTION. "Director" means the director of  
30 transportation.

31 NEW SUBSECTION. "Handicapped identification device" means  
32 an identification device bearing the international symbol  
33 of accessibility issued by the department.

34 NEW SUBSECTION. "Handicapped parking space" means a parking  
35 space designated for use by only motor vehicles displaying

1 a handicapped identification device that meets the requirements  
2 of section 601E.8.

3 Sec. 7. Section 601E.2, Code 1981, is amended to read  
4 as follows:

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

10 Sec. 8. Section 601E.3, Code 1981, is amended to read  
11 as follows:

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

32 Sec. 9. Section 601E.4, Code 1981, is amended to read  
33 as follows:

34 601E.4 RETURN OF FLAG. If a person who has been issued  
35 a permit and distress flag under this chapter becomes

1 disqualified as a handicapped ~~or-paraplegic~~ person, he the  
2 person shall return the permit and the distress flag to the  
3 department.

4 Sec. 10. Section 601E.5, Code 1981, is amended to read  
5 as follows:

6 601E.5 PENALTY. Any person who is not ~~qualified-as a~~  
7 handicapped ~~or-paraplegic~~ person and uses a distress flag  
8 as provided in this chapter or for any other purpose is guilty  
9 of a simple misdemeanor.

10 Sec. 11. Section 601E.6, Code 1981, is amended to read  
11 as follows:

12 601E.6 SPECIAL HANDICAPPED IDENTIFICATION DEVICES FOR  
13 HANDICAPPED-PERSONS.

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

31 2. A city or other political subdivision which provides  
32 on-street parking areas or off-street parking facilities shall  
33 ~~in-all-cases-where-so-required-by-chapters-103A-and-104A,~~  
34 ~~and-may-in-all-other-cases,~~ set aside special at least one  
35 percent of the metered parking places-designated-only-for

1 ~~parking-motor-vehicles-displaying-a-special-identification~~  
2 ~~device-issued-under-this-section~~ spaces as handicapped parking  
3 spaces. A person may also set aside handicapped parking  
4 spaces on the person's property provided each parking space  
5 is clearly and prominently designated as a handicapped parking  
6 space. The use of a handicapped parking spaces-which-are-se  
7 designated-and-are-located-on-public-property space by a motor  
8 vehicle not displaying such a handicapped identification  
9 device, or by a motor vehicle displaying such a device but  
10 not being used as operator or passenger by ~~the-individual~~  
11 ~~to-whom-the-device-has-been-issued-or-another-individual~~  
12 physically a handicapped to-the-extent-described-by-this  
13 section person, shall-be is a misdemeanor for which a fine  
14 ~~not-to-exceed-one-hundred-dollars~~ may be imposed upon the  
15 owner, operator, or lessee of the motor vehicle. The fine  
16 for each violation is fifteen dollars. Proof of conviction  
17 of three or more such violations involving improper use of  
18 the same ~~special~~ handicapped identification device shall-be  
19 is grounds for revocation by the department of the holder's  
20 privilege to use the device.

21 3. The department shall promulgate rules:

22 a. Establishing procedure for applying to the department  
23 for issuance of a ~~special~~ permanent or temporary handicapped  
24 identification device under this section.

25 b. Requiring persons ~~issued-special-identification-devices~~  
26 ~~to-furnish-evidence-at-appropriate-intervals-that-they-remain~~  
27 ~~physically-handicapped-to-the-extent-described-by-subsection~~  
28 4 who seek permanent handicapped identification devices to  
29 furnish evidence upon initial application that they are  
30 permanently handicapped; and requiring persons who seek  
31 temporary handicapped identification devices to furnish  
32 evidence upon initial application that they are physically  
33 handicapped and, in addition, to furnish evidence at six-month  
34 intervals that they remain physically handicapped.

35 c.--~~Establishing-advisory-standards-for-dimensions-and~~

1 ~~general-location-of-parking-spaces,-to-be-considered-by-cities~~  
2 ~~and-other-political-subdivisions-which-elect-to-proceed-under~~  
3 ~~subsection-2,--The-advisory-standards-promulgated-under-this~~  
4 ~~paragraph-shall-not-unnecessarily-duplicate-and-shall-not~~  
5 ~~conflict-with-standards-promulgated-pursuant-to-chapters-403A~~  
6 ~~and-404A.~~

7 d c. Governing the manner in which special handicapped  
8 identification devices are to be displayed in motor vehicles  
9 parked in spaces designated under subsection 2.

10 d. Establishing procedure and proof requirements for  
11 application to the department for issuance of a handicapped  
12 identification device to nonhandicapped individuals, government  
13 agencies, or private organizations which are engaged in  
14 providing transportation services for handicapped persons.

15 Sec. 12. Section 601E.6, Code 1981, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. Handicapped identification devices issued  
18 by other states to their handicapped citizens, for purposes  
19 and under rules similar to those of this section, shall be  
20 treated the same as handicapped identification devices issued  
21 under this section.

22 Sec. 13. Chapter 601E, Code 1981, is amended by adding  
23 the following new sections as sections 601E.7 and 601E.8:

3212 24 NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN. The  
3377 25 handicapped parking sign shall bear the international symbol  
26 of accessibility. The sign shall be sold by the department  
27 at cost to a person who owns or leases real property in the  
28 state. If a person who owns or leases real property in a  
29 city is required to provide handicapped parking spaces, the  
30 city may provide the signs for the person. When a city  
31 provides handicapped parking signs to a person who owns or  
32 leases real property in the city, the signs shall be provided  
33 upon request at no cost to the person. If the city council  
34 of a city determines that it will not provide handicapped  
35 parking signs for persons required to provide handicapped

1 parking spaces, a person who maintains handicapped parking  
2 spaces on the person's property within a city shall be  
3 reimbursed by the city for the person's purchase of one  
4 handicapped parking sign for each handicapped parking space  
5 provided.

6 NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE. A  
7 handicapped parking space shall meet the following  
8 requirements:

9 1. Each space shall be at least one hundred forty-four  
10 inches wide, or, if two or more spaces are adjacent to each  
11 other, each space shall be at least one hundred twenty inches  
12 wide with at least a forty-eight inch walkway between each  
13 space.

14 2. Each space shall be clearly designated as a handicapped  
15 parking space by the display of the international symbol of  
16 accessibility either on a sign or painted on the surface of  
17 the space, or as prescribed by the department.

18 3. The requirements of this section which specify the  
19 dimensions of a handicapped parking space shall not apply  
20 to metered on-street parking spaces.

21 Sec. 14. Section 602.55, Code 1981, is amended to read  
22 as follows:

3212-23 602.55 FUNDS, REPORTS. Each month each judicial magistrate  
24 and district associate judge shall file with the clerk of  
25 the district court of the proper county a sworn, itemized  
26 statement, of all cases disposed of and all funds received  
27 and disbursed per case, and at least monthly shall remit to  
28 the clerk all funds received ~~by-him-or-her~~. The clerk shall  
29 provide adequate clerical assistance to judicial magistrates  
30 and district associate judges to carry out this section.  
31 The clerk shall remit ninety percent of all fines and forfeited  
32 bail received from a magistrate or district associate judge  
33 to the city that was the plaintiff in any action, shall remit  
34 to the city or county ninety percent of all fines and forfeited  
35 bail received for improper use of handicapped parking spaces

1 in violation of section 601E.6, subsection 2, when the  
2 violations occurred within the city or the county when the  
3 violations occurred in the unincorporated area of the county,  
4 and shall provide that city with a statement showing the total  
5 number of such cases, the total of all fines and forfeited  
6 bail collected and the total of all cases dismissed. The  
7 clerk shall remit the remaining ten percent to the county  
8 treasurer for deposit in the county general fund. The clerk  
9 shall remit to the treasurer of the county, for the benefit  
10 of the school fund, all other fines and forfeited bail received  
11 from a magistrate. All fees and costs for the filing of a  
12 complaint or information or upon forfeiture of bail received  
13 from a magistrate shall be remitted monthly by the clerk as  
14 follows:

15 1. Two-thirds to the treasurer of state to be credited  
16 to the general fund of the state.

17 2. One-third to the county treasurer to be credited to  
18 the general fund of the county.

19 Sec. 15. Section 805.8, subsection 2, Code 1981, is amended  
20 by adding the following new lettered paragraph:

21 NEW LETTERED PARAGRAPH. For a violation of section 601E.6,  
22 regulating the use of handicapped parking spaces, the scheduled  
23 fine is fifteen dollars.

24 Sec. 16. Section 2 of this Act applies to buildings and  
25 facilities under construction or constructed on or after the  
26 effective date of this Act.

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SENATE FILE 87

H-3231

- 1 Amend Senate File 87 as amended, passed and  
2 reprinted as follows:  
3 1. Page 1, by striking lines 9 through 16 and  
4 inserting in lieu thereof the following:  
5 "NEW SUBSECTION. Parking spaces shall be set aside  
6 for handicapped parking as required by the city or  
7 county where the building or facility is located."  
8 2. Page 1, by striking lines 21 through 24 and  
9 inserting in lieu thereof the words "used by the  
10 general public, which are not residences, shall set  
11 aside as many parking spaces for handicapped parking  
12 as are required by the city or county where the  
13 building or facilities is located."  
14 3. Page 1, by striking lines 32 through 34.  
15 4. By renumbering and correcting internal  
16 references as required by this amendment.

H-3231 FILED MARCH 9, 1981 BY SHULL of Warren  
*Placed out of order 4/14* SENATE FILE 87 VAN MAANEN of Mahaska

H-3233

- 1 Amend Senate File 87 as amended, passed and  
2 reprinted as follows:  
3 1. Page 1, by striking lines 7 through 16.  
4 2. Page 1, line 23, by striking the word "one"  
5 and inserting in lieu thereof the words "six-tenths  
6 of one".  
7 3. Page 4, line 30, by inserting after the word  
8 "purchaser." the words "A handicapped registration  
9 plate issued under subsection 3 of section 321.34  
10 is also a valid handicapped identification device."  
11 4. Page 4, line 34, by striking the word "one"  
12 and inserting in lieu thereof the words "six-tenths  
13 of one".  
14 5. Page 6, line 33, by striking the word "no".  
15 6. Page 7, by striking lines 6 through 20 and  
16 inserting in lieu thereof the following:  
17 "NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE-  
18 LOCATION-REQUIREMENTS.  
19 1. Parking spaces for handicapped persons and  
20 accessible loading zones that serve a particular  
21 building shall be located on the shortest accessible  
22 route to an entrance to the building.  
23 2. A handicapped parking space shall meet the  
24 following requirements:  
25 a. Each space shall be at least one hundred forty-  
26 four inches wide, or, if two or more spaces are  
27 adjacent to each other, each space shall be at least  
28 one hundred twenty inches wide with at least a forty-  
29 eight inch walkway between each space.  
30 b. Each space shall be clearly designated as a  
31 handicapped parking space by the display of the  
32 international symbol of accessibility.  
33 c. The requirements of this subsection which  
34 specify the dimensions of a handicapped parking space  
35 shall not apply to metered on-street parking spaces."  
36 7. Page 8, by striking lines 24 through 26.

H-3233 FILED MARCH 10, 1981 BY COMMITTEE ON HUMAN RESOURCES  
*Placed out of order 4/14/81 (p. 1241)* Clark of Cerro Gordo, Chair

SENATE FILE 87

H-3212

1 Amend Senate File 87 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 9, by striking the words "and  
4 private".

5 2. Page 1, line 13, by inserting after the period  
6 the words "Owners and lessees of private buildings  
7 and facilities who identify handicapped parking spaces  
8 in parking facilities serving the private buildings  
9 and facilities shall be subject to the requirements  
10 of this Act."

11 3. Page 1, lines 19 and 20, by striking the words  
12 "and private".

13 4. Page 1, line 25, by striking the words "and  
14 private".

15 5. Page 1, by inserting after line 31 the  
16 following:

17 "Effective January 1, 1982, owners or lessees of  
18 private buildings and facilities, used by the general  
19 public, which are not residences and which provide  
20 forty-eight or more parking spaces, who identify  
21 handicapped parking spaces in parking facilities  
22 serving the private buildings and facilities shall  
23 be subject to the requirements of this Act."

24 6. Page 5, line 16, by striking the word "fifteen"  
25 and inserting in lieu thereof the word "twenty-five".

26 7. Page 6, line 26, by striking the word  
27 "department" and inserting in lieu thereof the word  
28 "department."

29 8. By striking page 6, line 27 through page 7,  
30 line 5, and inserting in lieu thereof the following:  
31 "All costs including the costs of the sign,  
32 installation, maintenance, repair and any other costs  
33 incurred by the person in order to comply with this  
34 Act, shall be paid by the department."

35 9. Page 7, line 34, by striking the word "ninety"  
36 and inserting in lieu thereof the word "ten".

37 10. Page 8, line 7, by inserting after the word  
38 "remaining" the words "ninety percent of all fines  
39 and forfeited bail received for violations of section  
40 601E.6, subsection 2, to the treasurer of state to  
41 be credited to the general fund of the state and the  
42 remaining".

43 11. Page 8, line 7, by inserting after the word  
44 "percent" the words "of all other fines and forfeited  
45 bail".

46 12. Page 8, line 23, by striking the word "fifteen"  
47 and inserting in lieu thereof the word "twenty-five".

48 13. By renumbering sections and correcting internal  
49 references as required by this amendment.

SENATE FILE 87

H-3377

- 1 Amend Senate File 87 as follows:
- 2 1. Page 6, line 26, by striking the word "sold"
- 3 and inserting in lieu thereof the word "provided".
- 4 2. Page 6, line 27, by inserting after the word
- 5 "at" the word "no".
- 6 3. By striking page 6, line 28 through page 7,
- 7 line 5 and inserting in lieu thereof the word "state."
- 8 By renumbering and correcting internal
- 9 references as required by this amendment.

H-3377 FILED MARCH 26, 1981

BY MANN of Greene

*Plead out of order 4/14 (p. 1241)*

SENATE FILE 87

H-3378

- 1 Amend amendment H-3233 to Senate File 87 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 11 through 13 and
- 4 inserting in lieu thereof the following:
- 5 "\_\_\_\_. Page 4, lines 34 and 35, by striking the
- 6 words "at least one percent of the metered" and
- 7 inserting in lieu thereof the words "as many".
- 8 \_\_\_\_\_. Page 5, line 2, by striking the word "as"
- 9 and inserting in lieu thereof the word "for".
- 10 \_\_\_\_\_. Page 5, line 3, by inserting after the word
- 11 "spaces" the words "as may be required by the governing
- 12 body of the city or political subdivision"."
- 13 2. By renumbering and correcting internal
- 14 references as required by this amendment.

H-3378 FILED MARCH 26, 1981

BY MANN of Greene

*Plead out of order 4/14 (p. 1244)*

SENATE FILE 87

H-3393

- 1 Amend amendment H-3233 to Senate File 87 as amended,
- 2 passed and reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 14 and inserting in
- 4 lieu thereof the following:
- 5 "\_\_\_\_. Page 6, line 26, by striking the word
- 6 "department" and inserting in lieu thereof the word
- 7 "department."
- 8 \_\_\_\_\_. By striking page 6, line 27 through page
- 9 7, line 5, and inserting in lieu thereof the following:
- 10 "All costs including the costs of the sign,
- 11 installation, maintenance, repair and any other costs
- 12 incurred by the person in order to comply with this
- 13 Act, shall be paid by the department.""
- 14 2. By renumbering sections and correcting internal
- 15 references as required by this amendment.

H-3393 FILED MARCH 30, 1981

BY CLEMENTS of Scott

*Plead out of order 4/14/81*

SENATE FILE 87

H-3305

1 Amend Senate File 87, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 5, line 16, by inserting after the word  
4 "dollars" the words "unless the city, by ordinance,  
5 establishes a fine of a greater amount, but not  
6 exceeding one hundred dollars".  
7 2. Page 8, line 23, by inserting after the word  
8 "dollars" the words ", except that if the violation  
9 occurs within a city that has established a fine  
10 greater than fifteen dollars by ordinance adopted  
11 under section 601E.6, subsection 2, then the scheduled  
12 fine shall be the amount established by that ordinance.  
13 For purposes of section 805.6, subsection 1, paragraph  
14 a, the list of scheduled fines is satisfied if it  
15 states "Fifteen dollars, or as provided by local  
16 ordinance.", for the offense specified in this  
17 paragraph."

H-3305 FILED MARCH 16, 1981

BY SPEAR of Lee

*Placed out of order 4/14/81 (p. 1241)*

SENATE FILE 87

H-3317

1 Amend Senate File 87 as amended, passed and  
2 reprinted as follows:  
\* 3 1. Page 1, line 16, by inserting after the word  
4 "space." the words "Private buildings and facilities  
5 at which handicapped persons will not be residents,  
6 employees, or regular visitors or users, are not  
7 required to provide handicapped parking spaces."  
8 2. Page 1, line 34, by inserting after the word  
9 "space." the words "Private buildings and facilities  
10 at which handicapped persons are not residents,  
11 employees, or regular visitors or users, are not  
12 required to provide handicapped parking spaces."

H-3317 FILED MARCH 18, 1981 BY CLEMENTS of Scott

*Placed out of order 4/14/81 (p. 1241)*

SENATE FILE 87

H-3338

1 Amend Senate File 87, as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 2, line 19, by striking the word  
4 "ordinary", and inserting in lieu thereof the words  
5 "restricted certified".  
6 2. Page 8, line 11, by inserting after the word  
7 "magistrate" the words ", except fines and forfeitures  
8 of bail collected in cases involving violations of  
9 truck weight limits, which shall be remitted to the  
10 treasurer of state for deposit in the road use tax  
11 fund".

H-3338 FILED MARCH 24, 1981

BY CONLON of Muscatine

*Placed out of order 4/14/81 (p. 1241)*

SENATE FILE 87

H-3614

1 Amend Senate File 87, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 31, by inserting after the word  
4 "resides." the words "This section shall not apply  
5 to condominiums as defined in chapter 499B."

H-3614 FILED APRIL 13, 1981 BY JOHNSON of Linn

*Placed out of order 4/14 (p. 1241)*

SENATE FILE 87

H-3629

1 Amend Senate File 87, as amended, passed and reprinted  
2 by the Senate as follows:  
3 1. Page 4, by striking lines 16 through 19 and  
4 inserting in lieu thereof the following: "in a motor  
5 vehicle being used by a handicapped person, either as  
6 operator or passenger; ~~by an individual who is confined  
7 to a wheelchair or is otherwise so physically handicapped  
8 that he or she has significant difficulty or insecurity  
9 in walking. The"~~  
10 2. Page 5, by striking lines 10 through 13 and  
11 inserting in lieu thereof the following: "not being  
12 used by a handicapped person as operator or passenger  
13 ~~by the individual to whom the device has been issued or  
14 another individual physically handicapped to the extent  
15 described by this section, shall be~~ is a misdemeanor for  
16 which a fine"

H-3629 FILED APRIL 13, 1981 BY SPEAR of Lee

*Placed out of order 4/14 (p. 1241)*

SENATE FILE 87

H-3411

- 1 Amend Senate File 87 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 34 the
- 4 following:
- 5 "Sec. \_\_\_\_ Chapter 104A, Code 1981, is amended
- 6 by adding the following new section:
- 7 NEW SECTION. The owner of a private building or
- 8 facility required to provide handicapped parking
- 9 spaces may petition the department of transportation
- 10 to allow a handicapped parking space that is not being
- 11 regularly used to revert to normal parking."
- 12 2. By renumbering sections and correcting internal
- 13 references as required by this amendment.

H-3411 FILED MARCH 31, 1981

BY CLEMENTS of Scott

*Placed out of order 4/13*

SENATE FILE 87

H-3412

- 1 Amend amendment H-3233 to Senate File 87 as amended,
- 2 passed and reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 4 through 6.
- 4 2. Page 1, by striking lines 11 through 13.
- 5 3. By renumbering and correcting internal
- 6 references as required by this amendment.

H-3412 FILED MARCH 31, 1981

BY RUNNING of Linn

*Placed out of order 4/14*

SENATE FILE 87

H-3586

- 1 Amend Senate File 87, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking line 35.
- 4 2. Page 2, by striking lines 1 through 21.

H-3586 FILED APRIL 9, 1981

BY SCHROEDER of Pottawattamie

*Placed out of order 4/14 (S 1241)*

SENATE FILE 87

H-3628

1 Amend Senate File 87, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 103A.21, subsection 3, Code  
6 1981, 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 104A.

12 Sec. 2. Chapter 104A, Code 1981, is amended by  
13 adding the following new section:

14 NEW SECTION. Effective January 1, 1982, all public  
15 and private buildings and facilities, temporary and  
16 permanent, used by the general public, which are not  
17 residences and which provide forty-eight or more  
18 parking spaces, shall set aside at least six-tenths  
19 of one percent of the parking spaces provided as  
20 handicapped parking spaces as defined in section  
21 601E.1.

22 Effective January 1, 1982, all public and private  
23 buildings and facilities, temporary and permanent,  
24 which are residences and which provide twelve or more  
25 parking spaces, excluding extended health care  
26 facilities, shall set aside at least one handicapped  
27 parking space as defined in section 601E.1 for each  
28 individual dwelling unit in which a handicapped person  
29 resides.

30 Buildings and facilities required under this section  
31 to provide handicapped parking spaces shall set aside  
32 at least one such space.

33 Sec. 3. Section 321.484, Code 1981, is amended  
34 by adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. The owner of a vehicle  
36 shall not be held responsible for a violation of a  
37 provision regulating the stopping, standing or parking  
38 of a vehicle, whether the provision is contained in  
39 this chapter, or chapter 601E, or an ordinance or  
40 other regulation or rule, if the owner establishes  
41 that at the time of the violation the vehicle was  
42 in the custody of an identified person other than  
43 the owner pursuant to a lease as defined in chapter  
44 321F. The furnishing to the clerk of court where  
45 the charge is pending of a copy of the certificate  
46 of responsibility prescribed by section 321F.6 that  
47 was in effect for the vehicle at the time of the  
48 alleged violation shall be prima facie evidence that  
49 the vehicle was in the custody of an identified person  
50 other than the owner within the meaning of this

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1 paragraph, and the charge against the owner shall  
2 be dismissed. The clerk of court then shall cause  
3 a uniform citation and complaint to be issued against  
4 the lessee of the vehicle, and the citation shall  
5 be served upon the defendant by ordinary mail directed  
6 to the defendant at the address shown in the  
7 certificate of responsibility.

8 Sec. 4. Section 601E.1, subsection 1, unnumbered  
9 paragraph 1, Code 1981, is amended to read as follows:

10 "Handicapped ~~ex-paraplegic~~ person" means:

11 Sec. 5. Section 601E.1, Code 1981, is amended  
12 by adding the following new subsections:

13 NEW SUBSECTION. "Department" means the state  
14 department of transportation.

15 NEW SUBSECTION. "Director" means the director  
16 of transportation.

17 NEW SUBSECTION. "Handicapped identification device"  
18 means an identification device bearing the  
19 international symbol of accessibility issued by the  
20 department.

21 NEW SUBSECTION. "Handicapped parking space" means  
22 a parking space designated for use by only motor  
23 vehicles displaying a handicapped identification  
24 device that meets the requirements of section 601E.8.

25 Sec. 6. Section 601E.2, Code 1981, is amended  
26 to read as follows:

27 601E.2 DISABLED MOTOR VEHICLE--DISPLAY OF FLAG.

28 A person whose motor vehicle is disabled, may use  
29 or display a distress flag as a distress signal if  
30 he ~~qualifies as~~ or she is a handicapped ~~ex-paraplegic~~  
31 person and has been issued a permit and a distress  
32 flag as provided in section 601E.3.

33 Sec. 7. Section 601E.3, Code 1981, is amended  
34 to read as follows:

35 601E.3 APPLICATION--ISSUANCE OF FLAG. Any person  
36 desiring a distress flag for use as provided in section  
37 601E.2 shall apply to the department ~~of transportation~~

38 upon an application form furnished by the department,  
39 providing ~~his~~ the applicant's name, address, date  
40 of birth, a physician's signature attesting to the  
41 disability and information on the type of physical  
42 apparatus needed to operate a motor vehicle, if any,  
43 and information relating to ~~his~~ the applicant's

44 handicap required by the director ~~of transportation~~.  
45 Upon determination by the director that the applicant  
46 qualifies as a handicapped ~~ex-paraplegic~~ person as  
47 defined in section 601E.1 and the payment of a fee,  
48 the director shall issue the applicant a permit to  
49 use a distress flag. The director shall determine  
50 the fee for the distress flag except that the fee

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1 shall not exceed the cost of the flag to the  
2 department. Each distress flag shall be numbered  
3 and in the event of its loss or destruction, the  
4 director may issue a duplicate upon payment of the  
5 fee. The director shall maintain a record of all  
6 applicants and those qualified applicants receiving  
7 permits and distress flags.

8 Sec. 8. Section 601E.4, Code 1981, is amended  
9 to read as follows:

10 601E.4 RETURN OF FLAG. If a person who has been  
11 issued a permit and distress flag under this chapter  
12 becomes disqualified as a handicapped ~~ex-paraplegic~~  
13 person, he the person shall return the permit and  
14 the distress flag to the department.

15 Sec. 9. Section 601E.5, Code 1981, is amended  
16 to read as follows:

17 601E.5 PENALTY. Any person who is not qualified  
18 as a handicapped ~~ex-paraplegic~~ person and uses a  
19 distress flag as provided in this chapter or for any  
20 other purpose is guilty of a simple misdemeanor.

21 Sec. 10. Section 601E.6, Code 1981, is amended  
22 to read as follows:

23 601E.6 SPECIAL HANDICAPPED IDENTIFICATION DEVICES  
24 FOR HANDICAPPED PERSONS.

25 1. ~~A special handicapped identification device~~  
26 ~~bearing the international symbol of accessibility~~  
27 may be displayed in a motor vehicle being used, either  
28 as operator or passenger, by ~~an individual who is~~  
29 ~~confined to a wheelchair or is otherwise so physically~~  
30 ~~handicapped that he or she has significant difficulty~~  
31 ex-insecurity-in-walking person. The devices shall  
32 be of uniform design and fabricated of durable  
33 material, suitable for display from within the  
34 passenger compartment of a motor vehicle, and readily  
35 transferable from one vehicle to another. They shall  
36 be acquired by the department and sold at cost, not  
37 to exceed five dollars, to handicapped persons who  
38 ~~are physically handicapped to the extent described~~  
39 ~~in this section,~~ upon application on forms prescribed  
40 by the department. Before delivering a ~~special~~  
41 handicapped identification device to a purchaser,  
42 the department shall permanently affix to the device  
43 a unique number which may be used by the department  
44 to identify that individual purchaser. A handicapped  
45 registration issued under section 321.34, subsection  
46 8, is also a valid handicapped identification device.

47 2. A city or other political subdivision which  
48 provides on-street parking areas or off-street parking  
49 facilities shall ~~in all cases where so required by~~  
50 ~~chapter 100 and chapter 101 of the Code~~

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1 ~~set aside special at least sixth-tenths of one percent~~  
2 ~~of the metered parking pieces-designated-only-for~~  
3 ~~parking-motor-vehicles-displaying-a-special~~  
4 ~~identification-device-issued-under-this-section spaces~~  
5 ~~as handicapped parking spaces. A person may also~~  
6 ~~set aside handicapped parking spaces on the person's~~  
7 ~~property provided each parking space is clearly and~~  
8 ~~prominently designated as a handicapped parking space.~~

9 ~~The use of a handicapped parking spaces-when-are~~  
10 ~~so-designated-and-are-located-on-public-property space~~  
11 ~~by a motor vehicle not displaying such a handicapped~~  
12 ~~identification device, or by a motor vehicle displaying~~  
13 ~~such a device but not being used as operator or~~  
14 ~~passenger by the-individual-to-whom-the-device-has~~  
15 ~~been-issued-or-another-individual-physically a~~  
16 ~~handicapped to-the-extent-described-by-this-section~~  
17 ~~person, shall-be is a misdemeanor for which a fine~~  
18 ~~not-to-exceed-one-hundred-dollars may be imposed upon~~  
19 ~~the owner, operator, or lessee of the motor vehicle.~~

20 ~~The fine for each violation is fifteen dollars. Proof~~  
21 ~~of conviction of three or more such violations~~  
22 ~~involving improper use of the same special handicapped~~  
23 ~~identification device shall-be is grounds for~~  
24 ~~revocation by the department of the holder's privilege~~  
25 ~~to use the device.~~

26 3. The department shall promulgate rules:

27 a. Establishing procedure for applying to the  
28 department for issuance of a special permanent or  
29 temporary handicapped identification device under  
30 this section.

31 b. Requiring persons issued-special-identification  
32 devices-to-furnish-evidence-at-appropriate-intervals  
33 that-they-remain-physically-handicapped-to-the-extent  
34 described-by-subsection-1 who seek permanent  
35 handicapped identification devices to furnish evidence  
36 upon initial application that they are permanently  
37 handicapped; and requiring persons who seek temporary  
38 handicapped identification devices to furnish evidence  
39 upon initial application that they are physically  
40 handicapped and, in addition, to furnish evidence  
41 at six-month intervals that they remain physically  
42 handicapped.

43 ~~or--establishing-advisory-standards-for-dimensions~~  
44 ~~and-general-location-of-parking-spaces,-to-be~~  
45 ~~considered-by-cities-and-other-political-subdivisions~~  
46 ~~which-elect-to-proceed-under-subsection-2.--The~~  
47 ~~advisory-standards-promulgated-under-this-paragraph~~  
48 ~~shall-not-unnecessarily-duplicate-and-shall-not~~  
49 ~~conflict-with-standards-promulgated-pursuant-to~~  
50 ~~chapters-103A-and-104A-~~

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1 ~~d c.~~ Governing the manner in which special  
2 handicapped identification devices are to be displayed  
3 in motor vehicles parked in spaces designated under  
4 subsection 2.

5 d. Establishing procedure and proof requirements  
6 for application to the department for issuance of  
7 a handicapped identification device to nonhandicapped  
8 individuals, government agencies, or private  
9 organizations which are engaged in providing  
10 transportation services for handicapped persons.

11 Sec. 11. Section 601E.6, Code 1981, is amended  
12 by adding the following new subsection:

13 NEW SUBSECTION. Handicapped identification devices  
14 issued by other states to their handicapped citizens  
15 shall be valid handicapped identification devices  
16 in this state.

17 Sec. 12. Chapter 601E, Code 1981, is amended by  
18 adding the following new sections as sections 601E.7  
19 and 601E.8:

20 NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN.  
21 The handicapped parking sign shall bear the  
22 international symbol of accessibility. If a person  
23 who owns or leases real property in a city is required  
24 to provide handicapped parking spaces, the city shall  
25 provide the signs for the person. The signs shall  
26 be provided upon request at cost.

27 NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE-  
28 -LOCATION--REQUIREMENTS.

29 1. Parking spaces for handicapped persons and  
30 accessible loading zones that serve a particular  
31 building shall be located on the shortest accessible  
32 route to an entrance to the building.

33 2. A handicapped parking space designated after  
34 July 1, 1981, shall meet the following requirements:

35 a. Each space shall be at least one hundred forty-  
36 four inches wide, or, if two or more spaces are  
37 adjacent to each other, each space shall be at least  
38 one hundred twenty inches wide with at least a forty-  
39 eight inch walkway between each space.

40 b. Each space shall be clearly designated as a  
41 handicapped parking space by the display of the  
42 international symbol of accessibility.

43 c. The requirements of this subsection which  
44 specify the dimensions of a handicapped parking space  
45 shall not apply to metered on-street parking spaces.

46 Sec. 13. Section 602.55, Code 1981, is amended  
47 to read as follows:

48 602.55 FUNDS, REPORTS. Each month each judicial  
49 magistrate and district associate judge shall file  
50 with the clerk of the district court of the proper

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1 county a sworn, itemized statement, of all cases  
2 disposed of and all funds received and disbursed per  
3 case, and at least monthly shall remit to the clerk  
4 all funds received ~~by him or her~~. The clerk shall  
5 provide adequate clerical assistance to judicial  
6 magistrates and district associate judges to carry  
7 out this section. The clerk shall remit ninety percent  
8 of all fines and forfeited bail received from a  
9 magistrate or district associate judge to the city  
10 that was the plaintiff in any action, shall remit  
11 to the city or county ninety percent of all fines  
12 and forfeited bail received for improper use of  
13 handicapped parking spaces in violation of section  
14 601E.6, subsection 2, when the violations occurred  
15 within the city or the county when the violations  
16 occurred in the unincorporated area of the county,  
17 and shall provide that city with a statement showing  
18 the total number of such cases, the total of all fines  
19 and forfeited bail collected and the total of all  
20 cases dismissed. The clerk shall remit the remaining  
21 ten percent to the county treasurer for deposit in  
22 the county general fund. The clerk shall remit to  
23 the treasurer of the county, for the benefit of the  
24 school fund, all other fines and forfeited bail  
25 received from a magistrate. All fees and costs for  
26 the filing of a complaint or information or upon  
27 forfeiture of bail received from a magistrate shall  
28 be remitted monthly by the clerk as follows:  
29 1. Two-thirds to the treasurer of state to be  
30 credited to the general fund of the state.  
31 2. One-third to the county treasurer to be credited  
32 to the general fund of the county.  
33 Sec. 14. Section 805.8, subsection 2, Code 1981,  
34 is amended by adding the following new lettered  
35 paragraph:  
36 NEW LETTERED PARAGRAPH. For a violation of section  
37 601E.6, regulating the use of handicapped parking  
38 spaces, the scheduled fine is fifteen dollars."

H-3628 FILED APRIL 13, 1981 BY SCHROEDER of Pottawattamie

*Adopted or amended by 3636, 3642,  
3643, 4/14/81 (p. 1240) Motion to reconsider 4/15 (p. 1258)*

SENATE FILE 87

H-3636

1 Amend amendment H-3628 to Senate File 87 as amended,  
2 passed and reprinted by the Senate as follows:  
3 1. Page 5, by inserting after line 45 the following:  
4 "d. A variance to the space and location requirements  
5 may be granted by cities."

H-3636 FILED APRIL 13, 1981 BY SCHROEDER of Pottawattamie

*Adopted 4/14/81 (p. 1240)*

SENATE FILE 87

H-3646

- 1 Amend amendment H-3628 to Senate File 87 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 5, line 26, by inserting after the word "cost"
- 4 the words "and shall be portable".

H-3646 FILED APRIL 14, 1981 BY LIND of Black Hawk  
LOST (p. 1240)

SENATE FILE 87

H-3641

- 1 Amend amendment H-3628 to Senate File 87, as amended,
- 2 passed and reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by striking the words "and
- 4 private".
- 5 2. Page 1, line 22, by striking the words "and
- 6 private".
- 7 3. Page 1, by inserting after line 29 the follow-
- 8 ing:
- 9 "Effective January 1, 1982, owners or lessees of
- 10 private buildings and facilities, used by the general
- 11 public, which are not residences and which provide
- 12 forty-eight or more parking spaces, who identify
- 13 handicapped parking spaces in parking facilities
- 14 serving the private buildings and facilities shall
- 15 be subject to the requirements of this Act."
- 16 4. Page 1, line 32, by inserting after the word
- 17 "space." the words "Private buildings and facilities
- 18 at which handicapped persons are not residents,
- 19 employees, or regular visitors or users, are not
- 20 required to provide handicapped parking spaces."
- 21 5. Page 1, by inserting after line 32 the
- 22 following:
- 23 "Sec. \_\_\_\_ Chapter 104A, Code 1981, is amended
- 24 by adding the following new section:
- 25 NEW SECTION. The owner of a private building or
- 26 facility required to provide handicapped parking
- 27 spaces may petition the department of transportation
- 28 to allow a handicapped parking space that is not being
- 29 regularly used to revert to normal parking."
- 30 6. By renumbering sections and correcting internal
- 31 references as required by this amendment.

H-3641 FILED APRIL 14, 1981

A-Lost (p. 1234)  
B-Lost (p. 1236)  
C-Lost (p. 1236)  
D-Out of Order (p. 1236)

BY CLEMENTS of Scott

SENATE FILE 87

H-3640

1 Amend amendment H-3628 to Senate File 87 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 5, by striking lines 24 through 26 and  
5 inserting in lieu thereof the following: "to provide  
6 handicapped parking spaces, the department shall  
7 provide the signs for the person upon request at no  
8 cost."

H-3640 FILED APRIL 14, 1981  
LOST (p. 1240)

BY MANN of Greene

SENATE FILE 87

H-3643

1 Amend House amendment H-3628 to Senate File 87  
2 as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 3, by striking lines 27 through 31 and  
5 inserting in lieu thereof the words "may be displayed  
6 in a motor vehicle being used by a handicapped person,  
7 either as operator or passenger, by an individual  
8 who is confined to a wheelchair or is otherwise  
9 so physically handicapped that he or she has  
10 significant difficulty or insecurity in walking.  
11 The devices shall".

12 2. Page 4, by striking lines 13 through 17  
13 and inserting in lieu thereof the words "such  
14 a device but not being used by a handicapped person,  
15 as operator or passenger by the individual to whom  
16 the device has been issued or another individual  
17 physically handicapped to the extent described by  
18 this section, shall be is a misdemeanor for which  
19 a fine".

H-3643 FILED APRIL 14, 1981  
ADOPTED (p. 1236)

BY SPEAR of Lee

SENATE FILE 87

H-3645

1 Amend amendment H-3628 to Senate File 87 as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, lines 18 and 19, by striking the  
5 words "six-tenths of".

6 2. Page 4, line 1, by striking the words "six-  
7 tenths of".

H-3645 FILED APRIL 14, 1981  
LOST (p. 1235)

BY RUNNING of Linn

SENATE FILE 87

H-3642

1 Amend amendment H-3628 to Senate File 87 as amended,  
2 passed and reprinted by the Senate as follows:

3 1. Page 1, line 24, by inserting after the word  
4 "residences" the words "excluding condominiums as  
5 defined in Chapter 499B".

H-3642 FILED APRIL 14, 1981  
ADOPTED (p. 1235)

BY JOHNSON of Linn

House Amendment to Senate File 87

S-3547

1 Amend Senate File 87, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. Section 103A.21, subsection 3, Code  
6 1981, 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 104A.

12 Sec. 2. Chapter 104A, Code 1981, is amended by  
13 adding the following new section:

14 NEW SECTION. Effective January 1, 1982, all public  
15 and private buildings and facilities, temporary and  
16 permanent, used by the general public, which are not  
17 residences and which provide forty-eight or more  
18 parking spaces, shall set aside at least six-tenths  
19 of one percent of the parking spaces provided as  
20 handicapped parking spaces as defined in section  
21 601E.1.

22 Effective January 1, 1982, all public and private  
23 buildings and facilities, temporary and permanent,  
24 which are residences excluding condominiums as defined  
25 in Chapter 499B and which provide twelve or more  
26 parking spaces, excluding extended health care  
27 facilities, shall set aside at least one handicapped  
28 parking space as defined in section 601E.1 for each  
29 individual dwelling unit in which a handicapped person  
30 resides.

31 Buildings and facilities required under this section  
32 to provide handicapped parking spaces shall set aside  
33 at least one such space.

34 Sec. 3. Section 321.484, Code 1981, is amended  
35 by adding the following new unnumbered paragraph:

36 NEW UNNUMBERED PARAGRAPH. The owner of a vehicle  
37 shall not be held responsible for a violation of a  
38 provision regulating the stopping, standing or parking  
39 of a vehicle, whether the provision is contained in  
40 this chapter, or chapter 601E, or an ordinance or  
41 other regulation or rule, if the owner establishes  
42 that at the time of the violation the vehicle was  
43 in the custody of an identified person other than  
44 the owner pursuant to a lease as defined in chapter  
45 321F. The furnishing to the clerk of court where  
46 the charge is pending of a copy of the certificate  
47 of responsibility prescribed by section 321F.6 that  
48 was in effect for the vehicle at the time of the  
49 alleged violation shall be prima facie evidence that  
50 the vehicle was in the custody of an identified person

1 other than the owner within the meaning of this  
2 paragraph, and the charge against the owner shall  
3 be dismissed. The clerk of court then shall cause  
4 a uniform citation and complaint to be issued against  
5 the lessee of the vehicle, and the citation shall  
6 be served upon the defendant by ordinary mail directed  
7 to the defendant at the address shown in the  
8 certificate of responsibility.

9 Sec. 4. Section 601E.1, subsection 1, unnumbered  
10 paragraph 1, Code 1981, is amended to read as follows:

11 "Handicapped or-paraplegic person" means:

12 Sec. 5. Section 601E.1, Code 1981, is amended  
13 by adding the following new subsections:

14 NEW SUBSECTION. "Department" means the state  
15 department of transportation.

16 NEW SUBSECTION. "Director" means the director  
17 of transportation.

18 NEW SUBSECTION. "Handicapped identification device"  
19 means an identification device bearing the  
20 international symbol of accessibility issued by the  
21 department.

22 NEW SUBSECTION. "Handicapped parking space" means  
23 a parking space designated for use by only motor  
24 vehicles displaying a handicapped identification  
25 device that meets the requirements of section 601E.8.

26 Sec. 6. Section 601E.2, Code 1981, is amended  
27 to read as follows:

28 601E.2 DISABLED MOTOR VEHICLE--DISPLAY OF FLAG.

29 A person whose motor vehicle is disabled, may use  
30 or display a distress flag as a distress signal if  
31 he ~~qualifies as~~ or she is a handicapped or-paraplegic  
32 person and has been issued a permit and a distress  
33 flag as provided in section 601E.3.

34 Sec. 7. Section 601E.3, Code 1981, is amended  
35 to read as follows:

36 601E.3 APPLICATION--ISSUANCE OF FLAG. Any person  
37 desiring a distress flag for use as provided in section  
38 601E.2 shall apply to the department ~~of transportation,~~  
39 upon an application form furnished by the department,  
40 providing ~~his~~ the applicant's name, address, date  
41 of birth, a physician's signature attesting to the  
42 disability and information on the type of physical  
43 apparatus needed to operate a motor vehicle, if any,  
44 and information relating to ~~his~~ the applicant's  
45 handicap required by the director ~~of transportation.~~  
46 Upon determination by the director that the applicant  
47 qualifies as a handicapped or-paraplegic person as  
48 defined in section 601E.1 and the payment of a fee,  
49 the director shall issue the applicant a permit to  
50 use a distress flag. The director shall determine

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1 the fee for the distress flag except that the fee  
2 shall not exceed the cost of the flag to the  
3 department. Each distress flag shall be numbered  
4 and in the event of its loss or destruction, the  
5 director may issue a duplicate upon payment of the  
6 fee. The director shall maintain a record of all  
7 applicants and those qualified applicants receiving  
8 permits and distress flags.

9 Sec. 8. Section 601E.4, Code 1981, is amended  
10 to read as follows:

11 601E.4 RETURN OF FLAG. If a person who has been  
12 issued a permit and distress flag under this chapter  
13 becomes disqualified as a handicapped ~~er-paraplegic~~  
14 person, he the person shall return the permit and  
15 the distress flag to the department.

16 Sec. 9. Section 601E.5, Code 1981, is amended  
17 to read as follows:

18 601E.5 PENALTY. Any person who is not qualified  
19 as a handicapped ~~er-paraplegic~~ person and uses a  
20 distress flag as provided in this chapter or for any  
21 other purpose is guilty of a simple misdemeanor.

22 Sec. 10. Section 601E.6, Code 1981, is amended  
23 to read as follows:

24 601E.6 SPECIAL HANDICAPPED IDENTIFICATION DEVICES  
25 FOR-HANDICAPPED-PERSONS.

26 1. A special handicapped identification device  
27 ~~bearing-the-international-symbol-of-accessibility~~  
28 may be displayed in a motor vehicle being used by  
29 a handicapped person, either as operator or passenger,  
30 ~~by-an-individual-who-is-confined-to-a-wheelchair-or~~  
31 ~~is-otherwise-so-physically-handicapped-that-he-or~~  
32 ~~she-has-significant-difficulty-or-insecurity-in~~  
33 walking. The devices shall be of uniform design and  
34 fabricated of durable material, suitable for display  
35 from within the passenger compartment of a motor  
36 vehicle, and readily transferable from one vehicle  
37 to another. They shall be acquired by the department  
38 and sold at cost, not to exceed five dollars, to  
39 handicapped persons who-are-physically-handicapped  
40 ~~to-the-extent-described-in-this-section~~, upon  
41 application on forms prescribed by the department.  
42 Before delivering a special handicapped identification  
43 device to a purchaser, the department shall permanently  
44 affix to the device a unique number which may be used  
45 by the department to identify that individual  
46 purchaser. A handicapped registration issued under  
47 section 321.34, subsection 8, is also a valid  
48 handicapped identification device.

49 2. A city or other political subdivision which  
50 provides on-street parking areas or off-street parking

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1 facilities shall in all cases where so required by  
2 chapters 103A and 104A, and may in all other cases,  
3 set aside special at least sixth-tenths of one percent  
4 of the metered parking places designated only for  
5 parking motor vehicles displaying a special  
6 identification device issued under this section spaces  
7 as handicapped parking spaces. A person may also  
8 set aside handicapped parking spaces on the person's  
9 property provided each parking space is clearly and  
10 prominently designated as a handicapped parking space.  
11 The use of a handicapped parking spaces which are  
12 so designated and are located on public property space  
13 by a motor vehicle not displaying such a handicapped  
14 identification device, or by a motor vehicle displaying  
15 such a device but not being used by a handicapped  
16 person, as operator or passenger by the individual  
17 to whom the device has been issued or another  
18 individual physically handicapped to the extent  
19 described by this section, shall be is a misdemeanor  
20 for which a fine not to exceed one hundred dollars  
21 may be imposed upon the owner, operator, or lessee  
22 of the motor vehicle. The fine for each violation  
23 is fifteen dollars. Proof of conviction of three  
24 or more such violations involving improper use of  
25 the same special handicapped identification device  
26 shall be is grounds for revocation by the department  
27 of the holder's privilege to use the device.

28 3. The department shall promulgate rules:

29 a. Establishing procedure for applying to the  
30 department for issuance of a special permanent or  
31 temporary handicapped identification device under  
32 this section.

33 b. Requiring persons issued special identification  
34 devices to furnish evidence at appropriate intervals  
35 that they remain physically handicapped to the extent  
36 described by subsection 1 who seek permanent  
37 handicapped identification devices to furnish evidence  
38 upon initial application that they are permanently  
39 handicapped; and requiring persons who seek temporary  
40 handicapped identification devices to furnish evidence  
41 upon initial application that they are physically  
42 handicapped and, in addition, to furnish evidence  
43 at six-month intervals that they remain physically  
44 handicapped.

45 c. -- Establishing advisory standards for dimensions  
46 and general location of parking spaces, to be  
47 considered by cities and other political subdivisions  
48 which elect to proceed under subsection 2. -- The  
49 advisory standards promulgated under this paragraph  
50 shall not unnecessarily duplicate and shall not

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1 conflict-with-standards-promulgated-pursuant-to  
2 chapters-103A-and-104A-

3 d c. Governing the manner in which special  
4 handicapped identification devices are to be displayed  
5 in motor vehicles parked in spaces designated under  
6 subsection 2.

7 d. Establishing procedure and proof requirements  
8 for application to the department for issuance of  
9 a handicapped identification device to nonhandicapped  
10 individuals, government agencies, or private  
11 organizations which are engaged in providing  
12 transportation services for handicapped persons.

13 Sec. 11. Section 601E.6, Code 1981, is amended  
14 by adding the following new subsection:

15 NEW SUBSECTION. Handicapped identification devices  
16 issued by other states to their handicapped citizens  
17 shall be valid handicapped identification devices  
18 in this state.

19 Sec. 12. Chapter 601E, Code 1981, is amended by  
20 adding the following new sections as sections 601E.7  
21 and 601E.8:

22 NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN.

23 The handicapped parking sign shall bear the  
24 international symbol of accessibility. If a person  
25 who owns or leases real property in a city is required  
26 to provide handicapped parking spaces, the city shall  
27 provide the signs for the person. The signs shall  
28 be provided upon request at cost.

29 NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE-  
30 -LOCATION--REQUIREMENTS.

31 1. Parking spaces for handicapped persons and  
32 accessible loading zones that serve a particular  
33 building shall be located on the shortest accessible  
34 route to an entrance to the building.

35 2. A handicapped parking space designated after  
36 July 1, 1981, shall meet the following requirements:

37 a. Each space shall be at least one hundred forty-  
38 four inches wide, or, if two or more spaces are  
39 adjacent to each other, each space shall be at least  
40 one hundred twenty inches wide with at least a forty-  
41 eight inch walkway between each space.

42 b. Each space shall be clearly designated as a  
43 handicapped parking space by the display of the  
44 international symbol of accessibility.

45 c. The requirements of this subsection which  
46 specify the dimensions of a handicapped parking space  
47 shall not apply to metered on-street parking spaces.

48 d. A variance to the space and location  
49 requirements may be granted by cities.

50 Sec. 13. Section 602.55, Code 1981, is amended

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1 to read as follows:

2 602.55 FUNDS, REPORTS. Each month each judicial  
3 magistrate and district associate judge shall file  
4 with the clerk of the district court of the proper  
5 county a sworn, itemized statement, of all cases  
6 disposed of and all funds received and disbursed per  
7 case, and at least monthly shall remit to the clerk  
8 all funds received by-him-or-her. The clerk shall  
9 provide adequate clerical assistance to judicial  
10 magistrates and district associate judges to carry  
11 out this section. The clerk shall remit ninety percent  
12 of all fines and forfeited bail received from a  
13 magistrate or district associate judge to the city  
14 that was the plaintiff in any action, shall remit  
15 to the city or county ninety percent of all fines  
16 and forfeited bail received for improper use of  
17 handicapped parking spaces in violation of section  
18 601E.6, subsection 2, when the violations occurred  
19 within the city or the county when the violations  
20 occurred in the unincorporated area of the county,  
21 and shall provide that city with a statement showing  
22 the total number of such cases, the total of all fines  
23 and forfeited bail collected and the total of all  
24 cases dismissed. The clerk shall remit the remaining  
25 ten percent to the county treasurer for deposit in  
26 the county general fund. The clerk shall remit to  
27 the treasurer of the county, for the benefit of the  
28 school fund, all other fines and forfeited bail  
29 received from a magistrate. All fees and costs for  
30 the filing of a complaint or information or upon  
31 forfeiture of bail received from a magistrate shall  
32 be remitted monthly by the clerk as follows:

33 1. Two-thirds to the treasurer of state to be  
34 credited to the general fund of the state.

35 2. One-third to the county treasurer to be credited  
36 to the general fund of the county.

37 Sec. 14. Section 805.8, subsection 2, Code 1981,  
38 is amended by adding the following new lettered  
39 paragraph:

40 NEW LETTERED PARAGRAPH. For a violation of section  
41 601E.6, regulating the use of handicapped parking  
42 spaces, the scheduled fine is fifteen dollars."

S-3547 FILED  
APRIL 23, 1981

RECEIVED FROM THE HOUSE

*Senate concurred 4/27/81 (p. 1437)*

SENATE FILE 87

AN ACT

PROVIDING FOR THE DESIGNATION OF HANDICAPPED PARKING SPACES  
AND PROVIDING A PENALTY.

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

Section 1. Section 103A.21, subsection 3, Code 1981, is amended to read as follows:

3. As an alternative to filing criminal charges as provided in this section, the commissioner may file a petition in the district court and obtain injunctive relief for any violation of this chapter or chapter 104A.

Sec. 2. Chapter 104A, Code 1981, is amended by adding the following new section:

NEW SECTION. Effective January 1, 1982, all public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide forty-eight or more parking spaces, shall set aside at least six-tenths of one percent of the parking spaces provided as handicapped parking spaces as defined in section 601E.1.

Effective January 1, 1982, all public and private buildings and facilities, temporary and permanent, which are residences excluding condominiums as defined in Chapter 499B and which provide twelve or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space as defined in section 601E.1 for each individual dwelling unit in which a handicapped person resides.

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

Sec. 3. Section 321.484, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing or parking of a vehicle, whether the provision is contained in this chapter, or chapter 601E, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F. The furnishing to the clerk of court where the charge is pending of a copy of the certificate of responsibility prescribed by section 321F.6 that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph.

and the charge against the owner shall be dismissed. The clerk of court then shall cause a uniform citation and complaint to be issued against the lessee of the vehicle, and the citation shall be served upon the defendant by ordinary mail directed to the defendant at the address shown in the certificate of responsibility.

Sec. 4. Section 601E.1, subsection 1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

"Handicapped ~~ex-paraplegic~~ person" means:

Sec. 5. Section 601E.1, Code 1981, is amended by adding the following new subsections:

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

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

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

NEW SUBSECTION. "Handicapped parking space" means a parking space designated for use by only motor vehicles displaying a handicapped identification device that meets the requirements of section 601E.8.

Sec. 6. Section 601E.2, Code 1981, is amended to read as follows:

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

Sec. 7. Section 601E.3, Code 1981, is amended to read as follows:

601E.3 APPLICATION--ISSUANCE OF FLAG. Any person desiring a distress flag for use as provided in section 601E.2 shall apply to the department ~~of transportation~~ upon an application

form furnished by the department, providing ~~his~~ the applicant's name, address, date of birth, a physician's signature attesting to the disability and information on the type of physical apparatus needed to operate a motor vehicle, if any, and information relating to ~~his~~ the applicant's handicap required by the director ~~of transportation~~. Upon determination by the director that the applicant qualifies as a handicapped ~~ex-paraplegic~~ person as defined in section 601E.1 and the payment of a fee, the director shall issue the applicant a permit to use a distress flag. The director shall determine the fee for the distress flag except that the fee shall not exceed the cost of the flag to the department. Each distress flag shall be numbered and in the event of its loss or destruction, the director may issue a duplicate upon payment of the fee. The director shall maintain a record of all applicants and those qualified applicants receiving permits and distress flags.

Sec. 8. Section 601E.4, Code 1981, is amended to read as follows:

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

Sec. 9. Section 601E.5, Code 1981, is amended to read as follows:

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

Sec. 10. Section 601E.6, Code 1981, is amended to read as follows:

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

1. A special handicapped identification device bearing the international symbol of accessibility may be displayed in a motor vehicle being used by a handicapped person, either as operator or passenger, by an individual who is confined to a wheelchair or is otherwise so physically handicapped that he or she has significant difficulty or insecurity in walking. The devices shall be of uniform design and fabricated of durable material, suitable for display from within the passenger compartment of a motor vehicle, and readily transferable from one vehicle to another. They shall be acquired by the department and sold at cost, not to exceed five dollars, to handicapped persons who are physically handicapped to the extent described in this section, upon application on forms prescribed by the department. Before delivering a special handicapped identification device to a purchaser, the department shall permanently affix to the device a unique number which may be used by the department to identify that individual purchaser. A handicapped registration issued under section 321.34, subsection 8, is also a valid handicapped identification device.

2. A city or other political subdivision which provides on-street parking areas or off-street parking facilities shall in all cases where so required by chapters 103A and 104A, and may in all other cases, set aside special at least six-tenths of one percent of the metered parking places designated only for parking motor vehicles displaying a special identification device issued under this section spaces as handicapped parking spaces. A person may also set aside handicapped parking spaces on the person's property provided each parking space is clearly and prominently designated as a handicapped parking space. The use of a handicapped parking spaces which are so designated and are located on public property space by a motor vehicle not displaying such a handicapped identification device, or by a motor vehicle

displaying such a device but not being used by a handicapped person, as operator or passenger by the individual to whom the device has been issued or another individual physically handicapped to the extent described by this section, shall be is a misdemeanor for which a fine not to exceed one hundred dollars may be imposed upon the owner, operator, or lessee of the motor vehicle. The fine for each violation is fifteen dollars. Proof of conviction of three or more such violations involving improper use of the same special handicapped identification device shall be is grounds for revocation by the department of the holder's privilege to use the device.

3. The department shall promulgate rules:

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

b. Requiring persons issued special identification devices to furnish evidence at appropriate intervals that they remain physically handicapped to the extent described by subsection 1 who seek permanent handicapped identification devices to furnish evidence upon initial application that they are permanently handicapped; and requiring persons who seek temporary handicapped identification devices to furnish evidence upon initial application that they are physically handicapped and, in addition, to furnish evidence at six-month intervals that they remain physically handicapped.

c. Establishing advisory standards for dimensions and general location of parking spaces, to be considered by cities and other political subdivisions which elect to proceed under subsection 2. The advisory standards promulgated under this paragraph shall not unnecessarily duplicate and shall not conflict with standards promulgated pursuant to chapters 103A and 104A.

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

d. Establishing procedure and proof requirements for application to the department for issuance of a handicapped identification device to nonhandicapped individuals, government agencies, or private organizations which are engaged in providing transportation services for handicapped persons.

Sec. 11. Section 601E.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Handicapped identification devices issued by other states to their handicapped citizens shall be valid handicapped identification devices in this state.

Sec. 12. Chapter 601E, Code 1981, is amended by adding the following new sections as sections 601E.7 and 601E.8:

NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN. The handicapped parking sign shall bear the international symbol of accessibility. If a person who owns or leases real property in a city is required to provide handicapped parking spaces, the city shall provide the signs for the person. The signs shall be provided upon request at cost.

NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE--LOCATION--REQUIREMENTS.

1. Parking spaces for handicapped persons and accessible loading zones that serve a particular building shall be located on the shortest accessible route to an entrance to the building.

2. A handicapped parking space designated after July 1, 1981, shall meet the following requirements:

a. Each space 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.

b. Each space shall be clearly designated as a handicapped parking space by the display of the international symbol of accessibility.

c. The requirements of this subsection which specify the dimensions of a handicapped parking space shall not apply to metered on-street parking spaces.

d. A variance to the space and location requirements may be granted by cities.

Sec. 13. Section 602.55, Code 1981, is amended to read as follows:

602.55 FUNDS, REPORTS. Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement, of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received ~~by him or her~~. The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry out this section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, shall remit to the city or county ninety percent of all fines and forfeited bail received for improper use of handicapped parking spaces in violation of section 601E.6, subsection 2, when the violations occurred within the city or the county when the violations occurred in the unincorporated area of the county, and shall provide that city with a statement showing the total number of such cases, the total of all fines and forfeited bail collected and the total of all cases dismissed. The clerk shall remit the remaining ten percent to the county treasurer for deposit in the county general fund. The clerk shall remit to the treasurer of the county, for the benefit of the school fund, all other fines and forfeited bail received from a magistrate. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

1. Two-thirds to the treasurer of state to be credited to the general fund of the state.

2. One-third to the county treasurer to be credited to the general fund of the county.

Sec. 14. Section 805.8, subsection 2, Code 1981, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. For a violation of section 601E.6, regulating the use of handicapped parking spaces, the scheduled fine is fifteen dollars.

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TERRY E. BRANSTAD  
President of the Senate

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DELWYN STROMER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 87, Sixty-ninth General Assembly.

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LINDA HOWARTH MACKAY  
Secretary of the Senate

Approved 5/8, 1981

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ROBERT D. RAY  
Governor