

*Co. Pass 2/29 (p. 590)*

*Withdrawn 3/12*

Transportation  
Doyle, Chair  
Priebe  
Lind

FILED FEB 16 1984

SENATE FILE 2194

BY COLEMAN and PRIEBE

*House File 2330 substituted 3/12 (p. 775)*

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to parking violations and providing, with  
2 certain exceptions, that parking violations not be considered  
3 for license suspensions or revocations.

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

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*S. 2194*

1 Section 1. Section 321.210, Code 1983, is amended by  
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The department shall not con-  
4 sider or assess points for a parking violation in determining  
5 a license suspension under this section and a parking viola-  
6 tion is not a moving traffic violation. For purposes of this  
7 section, a "parking violation" means a violation of a parking  
8 ordinance by local authorities, a violation of section 601E.6,  
9 section 321.366, subsection 6, or sections 321.354 through  
10 321.361 except section 321.354, subsection 1.

11 Sec. 2. Section 321.354, Code 1983, is amended to read  
12 as follows:

13 321.354 STOPPING ON TRAVELED WAY. Upon any highway outside  
14 of a business or residence district ~~no~~ a person shall not  
15 stop, park, or leave standing ~~any~~ a vehicle, whether attended  
16 or unattended, ~~upon:~~

17 1. Upon the paved ~~or-improved-or-main-traveled~~ part of  
18 the highway when it is practical to stop, park, or ~~so~~ leave  
19 ~~such~~ the vehicle off ~~such~~ that part of ~~said~~ the highway, but  
20 ~~in-every-event~~ however, a clear and unobstructed width of  
21 at least twenty feet of ~~such~~ the paved part of the highway  
22 opposite ~~such~~ the standing vehicle shall be left for the free  
23 passage of other vehicles ~~and-a.~~ As used in this subsection,  
24 "paved highway" includes an asphalt surfaced highway.

25 2. Upon the main traveled part of a highway other than  
26 a paved highway when it is practical to stop, park, or leave  
27 the vehicle off that part of the highway. However, a clear  
28 and unobstructed width of that part of the highway opposite  
29 the standing vehicle shall be left to allow for the free  
30 passage of other vehicles.

31 PARAGRAPH DIVIDED. A clear view of ~~such~~ the stopped vehicle  
32 shall be available from a distance of two hundred feet in  
33 each direction upon ~~such-highway-provided-however~~ the  
34 highway. However, school buses may stop on the highway for  
35 receiving and discharging pupils and all other vehicles shall

1 stop for school buses which are stopped to receive or discharge  
2 pupils, as provided in section 321.372. This section shall  
3 does not apply to a vehicle making a turn as provided in  
4 section 321.311.

5 Sec. 3. Section 321.178, subsection 2, paragraph b, Code  
6 1983, is amended to read as follows:

7 b. The department may suspend a restricted license issued  
8 under this section upon receiving a record of the person's  
9 conviction for one violation and shall revoke the license  
10 upon receiving a record of conviction for two or more  
11 violations of any a law of this state or a city ordinance,  
12 ~~either-than-parking-regulations,~~ regulating the operation of  
13 motor vehicles on highways ~~and-after,~~ other than parking  
14 violations as defined in section 321.210. After revoking  
15 a license under this section the department shall not grant  
16 an application for any a new license or permit until the  
17 expiration of one year or until the person attains ~~his-or~~  
18 ~~her-eighteenth-birthday~~ the age of eighteen whichever is the  
19 longer period.

20 Sec. 4. Section 321.189, subsection 2, paragraph c, Code  
21 1983, is amended to read as follows:

22 c. As used in this section, "moving traffic violation"  
23 does not include any a parking violation as defined in section  
24 321.210 or a violation of any a section of the Code or any  
25 municipal ordinance pertaining to ~~the~~ standards to be  
26 maintained for motor vehicle equipment except sections 321.430  
27 and 321.431, or any except a municipal ordinance pertaining  
28 to motor vehicle brake requirements as applicable to motorized  
29 bicycles.

30 Sec. 5. Section 321.194, unnumbered paragraph 3, Code  
31 Supplement 1983, is amended to read as follows:

32 A license issued under this section is subject to suspension  
33 or revocation in like manner as any other license or permit  
34 issued under a law of this state. The department may also  
35 suspend a license upon receiving satisfactory evidence that

1 the licensee has violated the restrictions of the license  
2 or has been involved in one or more accidents chargeable to  
3 the licensee. The department may suspend a license issued  
4 under this section upon receiving a record of the licensee's  
5 conviction for one violation and shall revoke the license  
6 upon receiving a record of conviction for two or more  
7 violations of a law of this state or a city ordinance, ~~either~~  
8 ~~than parking regulations,~~ regulating the operation of motor  
9 vehicles on highways other than parking violations as defined  
10 in section 321.210. After revoking a license under this  
11 section the department shall not grant an application for  
12 a new license or permit until the expiration of one year or  
13 until the licensee's sixteenth birthday whichever is the  
14 longer period.

15 Sec. 6. Section 321.215, subsection 3, Code 1983, is  
16 amended to read as follows:

17 3. A temporary restricted permit ~~shall be~~ is valid only  
18 if the department is in receipt of records required by this  
19 section. The permit shall be canceled upon conviction of  
20 a moving traffic violation ~~as defined in section 321.181,~~  
21 or upon any violation of the terms of the permit. A "moving  
22 traffic violation" does not include a parking violation as  
23 defined in section 321.210.

24 Sec. 7. Section 321.283, subsection 13, Code 1983, is  
25 amended to read as follows:

26 13. FEE FOR TEMPORARY PERMIT. The fee for a temporary  
27 driving permit under subsection 6 ~~shall be~~ is three dollars.  
28 The temporary driving permit must be in the permittee's  
29 immediate possession while operating a motor vehicle and ~~shall~~  
30 be becomes invalid when the permittee is issued a drivers  
31 license. The temporary driving permit shall be canceled upon  
32 conviction for a moving traffic violation. A "moving traffic  
33 violation" does not include a parking violation as defined  
34 in section 321.210.

35 Sec. 8. Section 321.366, unnumbered paragraph 1 and

1 subsection 5, Code 1983, are amended to read as follows:

2 It is unlawful for any a person, except a person operating  
3 highway maintenance equipment or an authorized emergency ve-  
4 hicle, to do any of the following on a fully controlled-access  
5 facility:

6 5. Stop, park, or leave standing any a vehicle, whether  
7 attended or unattended, upon the paved portion.

8 6. Stop, park, or leave standing a vehicle, whether  
9 attended or unattended, upon the shoulders, or the right of  
10 way except at designated rest areas or in case of an emer-  
11 gency or other dire necessity.

12 Sec. 9. Section 321.555, subsection 2, Code 1983, is  
13 amended to read as follows:

14 2. Six or more of any separate and distinct offenses  
15 within a two-year period in the operation of a motor vehicle  
16 which are required to be reported to the department by section  
17 321.207 or chapter 321C, except equipment violations,  
18 ~~violations of parking regulations of cities~~ violations as  
19 defined in section 321.210, violations of registration laws,  
20 operating a vehicle with an expired license or permit, failure  
21 to appear, and weights and measures violations and speeding  
22 violations of less than fifteen miles per hour over the legal  
23 speed limit.

24 EXPLANATION

25 The current rules of the state department of transportation  
26 define parking violations other than "parking regulations  
27 in cities" as moving traffic violations. The other seven  
28 classifications of violations which under department rule  
29 are not moving violations range from equipment violations  
30 to "careless driving pursuant to city ordinances". This bill  
31 prohibits the department from considering parking violations  
32 when determining whether to suspend or revoke a license and  
33 excludes such violations from the term "moving traffic  
34 violations". The bill does not include violations for parking  
35 on the paved portion of the highway or fully controlled-access

1 highway in its exclusions.

2 The bill rewrites section 321.354 to allow for a separate  
3 citation for parking on paved versus unpaved roads. Persons  
4 parking on unpaved roads are required to leave sufficient  
5 width of the road to allow for the free passage of other  
6 vehicles. The remaining provisions of this section are not  
7 changed.

8 Similarly the bill rewrites section 321.366 to allow for  
9 a separate citation for parking on the paved portion of a  
10 fully controlled-access facility. The bill also intends to  
11 clarify that section 321.366 applies to fully controlled-  
12 access facilities.

13 The bill takes effect July 1 following its enactment.

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