

NATURAL RESOURCES: Husak, Chair; Hannon and Hester

SENATE FILE 133  
BY COMMITTEE ON NATURAL  
RESOURCES  
*Approved 2/15 (p 276)*

FILED FEB 05 1987

*Failed*  
Passed Senate, Date 2-16-87 (p 351) Passed House, Date \_\_\_\_\_  
Vote: Ayes 20 Nays 28 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_  
*Not in the record (p 351)*

**A BILL FOR**

- 1 An Act relating to park user permits and their issuance.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 133

S-3056

1 Amend amendment S-3032 to Senate File 133 as  
 2 follows:  
 3 1. Page 1, line 17, by inserting after the word  
 4 "dollar" the words "and twenty-five cents".  
 5 2. Page 1, by striking line 43 and inserting the  
 6 following: "9."  
 7 Sec. 3. Section 321.152, Code 1987, is amended by  
 8 adding the following new subsection:  
 9 NEW SUBSECTION. 5. Twenty-five cents of the  
 10 registration plate user permit fee collected under  
 11 section 111.85."

S-3056

Filed February 19, 1987

BY BERL E. PRIEBE

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1 Section 1. Section 111.85, Code 1987, is amended to read  
2 as follows:

3 111.85 USER PERMITS FOR CERTAIN STATE LANDS.

4 1. A person shall not park or permit to be parked a motor  
5 vehicle required to be registered under chapter 321 on state  
6 land under the jurisdiction of the commission department where  
7 a user permit is required by subsection 3, unless the vehicle  
8 has a user permit attached in accordance with this section.

9 2. This section does not apply to the following vehicles:

10 a. Official government vehicles, or vehicles operated by  
11 state, county, city, and federal employees and agents while in  
12 the performance of official government business.

13 b. Vehicles operated by family members and guests of a  
14 commission department employee residing at an area subject to  
15 the user permit requirement. The commission department shall  
16 provide for temporary devices to identify the vehicles of such  
17 guests.

18 c. A vehicle moving on highways within or that cross state  
19 land to which this section applies.

20 d. A vehicle transporting employees to or furnishing  
21 services or supplies to the commission department or  
22 designated concessionaire.

23 e. A vehicle displaying a handicapped identification  
24 device issued under chapter 601E.

25 3. The requirement of a user permit applies to developed  
26 campgrounds at the Shimek, Yellow River, and Stephens state  
27 forests, and all areas managed by the state parks section and  
28 preserves division of the commission department except those  
29 excluded by rule. However, the requirement of a user permit  
30 shall not apply on any land acquired by gift if a condition of  
31 the gift was the free, public use of the land.

32 4. The user permit issued by the commission department is  
33 valid for either the calendar year in which issued or for  
34 twenty-four hours from the time of purchase. The fee is ten  
35 dollars for the calendar year permit and two dollars for the

1 daily permit. If more than one motor vehicle is registered to  
2 members of the same household which resides in Iowa, a member  
3 of that household may purchase calendar year permits for the  
4 second and subsequent motor vehicles for a fee of one dollar  
5 each by showing to the county recorder the registration cards  
6 of the second and subsequent motor vehicles and proof of  
7 purchase of a calendar year permit for the first motor  
8 vehicle.

9 5. User permits shall be issued without the permit fee by  
10 the county recorder to individuals who present a current  
11 medical assistance identification card provided by the  
12 department of human services or to individuals who show proof  
13 of age of sixty-five years or older and attest that their  
14 income is less than the United States poverty level as most  
15 recently published by the United States department of health  
16 and human services or to individuals who declare themselves in  
17 writing to be current food stamp recipients and who sign a  
18 release allowing the department of human services to confirm  
19 or deny their eligibility status upon request of the county  
20 recorder or the commission department.

21 6. User permits shall be sold by the commission department  
22 and county recorders and may be sold by depositaries  
23 designated by the recorders or the director under section  
24 110.11. A writing fee may be charged for dispensing the user  
25 permits as provided under section 110.12 for licenses.  
26 ~~Duplicate user permits shall not be issued.~~ The department  
27 shall issue replacement permits, without fee, to persons whose  
28 original permit has been damaged, partially destroyed, or  
29 otherwise rendered unusable. A person shall apply to the  
30 department or its authorized representative for a replacement  
31 permit by presenting a verifiable remnant of the damaged,  
32 partially destroyed, or unusable permit.

33 7. A user permit is not transferable between vehicles and  
34 shall be displayed as the commission department prescribes by  
35 rule. The permit shall contain space upon which the motor

1 vehicle registration plate numbers and letters shall be  
2 entered.

3 8. a. An officer of the commission department who observes  
4 a motor vehicle parked in violation of this section shall take  
5 the vehicle's registration number and may take other  
6 information displayed on the vehicle which may identify its  
7 user and deliver to the driver or conspicuously affix to the  
8 vehicle a notice of violation in writing on a form provided by  
9 the commission department. A person who receives the notice  
10 or knows that a notice has been affixed to the motor vehicle  
11 owned or controlled by the person may pay a civil penalty of  
12 twenty dollars to the commission department within twenty  
13 days. If the civil penalty is not timely paid, the commission  
14 department may cause a complaint to be filed against the owner  
15 or operator of the motor vehicle before a magistrate for the  
16 violation of this section in the manner provided in section  
17 804.1. Timely payment of the civil penalty shall be a bar to  
18 any prosecution for that violation of this section. All civil  
19 penalties collected under this subsection shall be deposited  
20 in the general fund of the state.

21 b. If a citation is issued for a violation of this section  
22 and a plea of guilty is entered on or before the time and date  
23 set for appearance, the fine shall be thirty dollars and court  
24 costs and the criminal penalty surcharge of section 911.2  
25 shall not be imposed.

26 c. The commission department shall provide to its officers  
27 sets of triplicate notices each identified by separate serial  
28 numbers on each copy of notice. One copy shall be used as a  
29 notice of violation and delivered to the person charged or  
30 affixed to the vehicle illegally parked, one copy shall be  
31 sworn to by the officer as a complaint and may be filed with  
32 the clerk of the district court of the county if the civil  
33 penalty is not timely paid to the commission department and  
34 one copy shall be retained by the commission department for  
35 record purposes.

1 9. The county recorder shall remit to the commission  
2 department all fees from the sale of user permits within ten  
3 days from the end of the month. The commission department  
4 shall remit the fees from sales of user permits to the  
5 treasurer of state who shall place the money in a state park,  
6 forest, and recreation area facilities improvement trust fund.  
7 Notwithstanding section 453.7, subsection 2, interest or  
8 earnings on investments or time deposits of the funds in the  
9 state park, forest, and recreation area facilities improvement  
10 trust fund shall be credited to that fund. The money in that  
11 fund is appropriated to the commission department solely for  
12 renovation, replacement, and improvement of facilities  
13 otherwise acquired in state parks, forests, and recreation  
14 areas. Notwithstanding chapters 96 and 97B, persons employed  
15 by the commission department with the money from the trust  
16 fund are not eligible for membership in the Iowa public  
17 employees' retirement system or eligible to receive  
18 unemployment compensation benefits by virtue of this  
19 employment.

20 10. A person who receives a notice of violation under this  
21 section may, in lieu of paying the civil penalty, produce  
22 proof that the person has acquired a current calendar year  
23 permit. The proof shall be submitted to the commission  
24 department in the same manner as the civil penalty.

25 EXPLANATION

26 The bill corrects references in agency name in the section  
27 on park user permits resulting from state government  
28 reorganization, allows replacement permits to be issued,  
29 allows permits to be acquired for one dollar for second and  
30 subsequent vehicles registered to the same Iowa household,  
31 requires a person over age sixty-five to attest to a certain  
32 income level in order to obtain a free permit, and requires  
33 the vehicle registration plate number to be entered on the  
34 permit.

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SENATE FILE 133

S-3023

- 1 Amend Senate File 133 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 "f. A vehicle operated by a person attending
- 5 swimming lessons offered in a pool in the park and
- 6 parked in a parking area designated by the department
- 7 for those participants."

S-3023

Filed February 11, 1987

BY EUGENE S. FRAISE

*Adopted as amended by 3040 2/16/87 (p 350)*

SENATE FILE 133

S-3028

- 1 Amend Senate File 133 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 111.85, Code 1987, is repealed
- 5 effective January 1, 1988."
- 6 2. Title page, by striking line 1 and inserting
- 7 the following: "An Act to repeal the state park user
- 8 fee and providing an effective date."

S-3028

Filed February 12, 1987

BY EUGENE S. FRAISE

*Lost 2/16/87 (p. 340) Motion to reinsert 2/17  
" w/ 2/18*

SENATE FILE 133

S-3029

- 1 Amend Senate File 133 as follows:
- 2 1. Page 1, line 34, by striking the word "ten"
- 3 and inserting the words "ten five".
- 4 2. Page 1, line 35, by striking the word "two"
- 5 and inserting the words "two one".

S-3029

Filed February 12, 1987

BY LARRY MURPHY

*File 2/17 (p 341)*

SENATE FILE 133

S-3040

- 1 Amend amendment S-3023 to Senate File 133 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "attending" the word "organized".
- 4 2. Page 1, line 5, by striking the words "in a pool".

S-3040

Filed February 16, 1987

BY JOHN PETERSON

ADOPTED (p 350)

SENATE FILE 133

S-3044

- 1 Amend Senate File 133 as follows:
- 2 1. Page 2, lines 13 through 16, by striking the
- 3 following: "and attest that their income is less than
- 4 the United States poverty level as most recently
- 5 published by the United States department of health
- 6 and human services".

S-3044

Filed February 16, 1987

BY GEORGE R. KINLEY

ADOPTED (p. 351) Motion to reconsider 2/17  
" w/ 2/18

SENATE FILE 133

S-3032

1 Amend Senate File 133 as follows:

2 1. Page 1, by striking line 32 through page 2,  
3 line 8 and inserting the following:

4 ~~"4. The user permit issued by the commission is~~  
5 ~~valid for either the calendar year in which issued or~~  
6 ~~for twenty-four hours from the time of purchase. The~~  
7 ~~fee is ten dollars for the calendar year permit and~~  
8 ~~two dollars for the daily permit. The following three~~  
9 ~~forms of user permits shall be issued:~~

10 a. The calendar year permit shall be sold for a  
11 fee of ten dollars and shall be valid for the calendar  
12 year in which it is issued.

13 b. The daily permit shall be sold for a fee of two  
14 dollars and shall be valid for twenty-four hours from  
15 the time of purchase.

16 c. The registration plate permit shall be sold for  
17 a fee of one dollar and shall be valid for the current  
18 registration period of the motor vehicle for which it  
19 is purchased."

20 2. Page 2, line 21, by striking the word "User"  
21 and inserting the following: "~~User~~ Calendar year and  
22 daily user".

23 3. Page 4, by inserting after line 24 the  
24 following:

25 "Sec. 2. Section 111.85, Code 1987, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 11. A person registering a motor  
28 vehicle under chapter 321 shall purchase a  
29 registration plate user permit for that motor vehicle  
30 unless the person declines to do so at the time of  
31 registration or reregistration. The application form  
32 for registration or reregistration under chapter 321  
33 shall provide the person with the opportunity to  
34 decline the purchase of the registration plate user  
35 permit. If a person purchases the registration plate  
36 user permit, the person shall be issued an emblem or  
37 sticker issued under section 321.166, subsection 7,  
38 which is easily distinguishable from the emblem or  
39 sticker issued to persons who do not purchase the  
40 permit. The county treasurer shall transmit the funds  
41 received from the purchase of registration plate user  
42 permits to the department for deposit under subsection  
43 9."

S-3032

Filed February 12, 1987

BY RICHARD VARN

*Loss 2/16/87 (p 341)*

*Motion to Reconsider Granted 2/18/87 (p 383)*