

Reprinted

SENATE FILE 2244

BY COMMITTEE ON

TRANSPORTATION

Appropriations (p. 20)

FILED FEB 7 1990

(SUCCESSOR TO LSB 7952S)

Passed Senate, Date 2/19/90 (p. 5-76) Passed House, Date _____

Vote: Ayes 49 Nays 1 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to parking fines, handicapped parking spaces, and
2 handicapped identification devices.

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

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SF 2244

1 Section 1. Section 321.236, subsection 1, paragraph a,
2 Code 1989, is amended to read as follows:

3 a. May be charged and collected upon a simple notice of a
4 fine not exceeding five dollars payable to the city clerk or
5 clerk of the district court, if authorized by ordinance.
6 Violations of section 321L.4, subsection 2, may be charged and
7 collected upon a simple notice of a twenty-five dollar fine
8 payable to the city clerk or clerk of the district court, if
9 authorized by ordinance. No costs or other charges shall be
10 assessed. All fines collected by a city pursuant to this
11 paragraph shall be retained by the city and all fines
12 collected by a county pursuant to this paragraph shall be
13 retained by the county.

14 Sec. 2. Section 321L.1, Code Supplement 1989, is amended
15 by adding the following new subsection immediately following
16 unnumbered paragraph 1:

17 NEW SUBSECTION. 1. "Business district" means that
18 territory defined by city ordinance as required under section
19 321L.5.

20 Sec. 3. Section 321L.2, subsection 1, Code Supplement
21 1989, is amended to read as follows:

22 1. a. A handicapped resident of the state desiring a
23 handicapped identification device shall apply to the
24 department upon an application form furnished by the
25 department providing the applicant's name, address, date of
26 birth, and social security number and shall also provide a
27 statement from a physician licensed under chapter 148, 149,
28 150, or 150A, or a chiropractor licensed under chapter 151, or
29 a physician or chiropractor licensed to practice in a
30 contiguous state, written on the physician's or chiropractor's
31 stationery, stating the nature of the applicant's handicap and
32 such additional information as required by rules adopted by
33 the department under section 321L.8. Handicapped registration
34 plates must be ordered pursuant to section 321.34, subsection
35 7. A handicapped person may apply for either one temporary or

1 one permanent handicapped identification hanging device.
2 Persons who seek a permanent handicapped identification device
3 shall be required to furnish evidence upon initial application
4 that they are permanently handicapped. A person who has
5 provided satisfactory evidence to the department that the
6 person is permanently handicapped shall not be required to
7 furnish evidence of being handicapped at a later date, unless
8 the department deems it necessary. Persons who seek only
9 temporary handicapped identification stickers or hanging
10 devices shall be required to furnish evidence upon initial
11 application that they are temporarily handicapped and, in
12 addition, furnish evidence at three-month intervals that they
13 remain temporarily handicapped. Temporary handicapped
14 identification stickers and hanging devices shall be of a
15 distinctively different color from permanent handicapped
16 identification stickers and hanging devices.

17 b. The department may issue permanent handicapped
18 identification hanging devices to the following in accordance
19 with rules adopted by the department:

20 (1) An organization which has a program for transporting
21 the handicapped or elderly.

22 (2) A person in the business of transporting the
23 handicapped or elderly.

24 One handicapped identification hanging device may be issued
25 for each vehicle used by the organization or person for
26 transporting the handicapped or elderly. A handicapped
27 identification hanging device issued under this paragraph
28 shall be surrendered to the department if the organization or
29 person is no longer providing the service for which the device
30 was issued. Notwithstanding section 321L.4, a person
31 transporting handicapped or elderly in a motor vehicle for
32 which a handicapped identification hanging device has been
33 issued under this paragraph may display the device in the
34 motor vehicle and may use a handicapped parking space while
35 the motor vehicle is displaying the device. A handicapped

1 identification hanging device issued under this paragraph
2 shall be of a distinctively different color from the
3 handicapped identification hanging devices issued under
4 paragraph "a".

5 c. A new handicapped identification device can be issued
6 if the previously issued device is reported lost, stolen, or
7 damaged. The device reported as being lost or stolen shall be
8 invalidated by the department. A device which is damaged
9 shall be returned to the department and exchanged for a new
10 device in accordance with rules adopted by the department.

11 Sec. 4. Section 321L.5, subsections 2 and 3, Code
12 Supplement 1989, are amended to read as follows:

13 2. A handicapped parking space designated after July 1,
14 ~~1981~~ 1990, shall be ~~at least one hundred forty four inches~~
15 ~~wide, or, if two or more spaces are adjacent to each other,~~
16 ~~each space shall be at least one hundred twenty inches wide~~
17 ~~with at least a forty eight inch walkway between each space in~~
18 accordance with the dimension requirements of 36 C.F.R. §
19 1190.31. However, these dimension requirements do not apply
20 to metered parallel on-street parking spaces.

21 3. a. The state and any or a political subdivision of the
22 state which provides off-street public parking facilities or
23 an entity providing nonresidential parking in off-street
24 public parking facilities shall provide not less than two
25 percent of the total parking spaces in each parking facility
26 as handicapped parking spaces as stipulated in the table
27 below, rounded to the nearest whole number of handicapped
28 parking spaces. However, such parking facilities having ten
29 or more parking spaces shall set aside at least one
30 handicapped parking space.

31 b. An entity providing off-street nonresidential public
32 parking facilities shall review the utilization of existing
33 handicapped parking spaces for a one-month period not less
34 than once every twelve months. If upon review, the average
35 occupancy rate for handicapped parking spaces in a facility

1 exceeds sixty percent during normal business hours, the entity
2 shall provide additional handicapped parking spaces as needed.

3 c. An entity providing off-street nonresidential parking
4 as a lessor shall provide a handicapped parking space to an
5 individual requesting to lease a parking space, if that
6 individual possesses a permanent handicapped identification
7 device issued in accordance with section 321L.2.

8 d. In-addition, any A new nonresidential entity facility
9 in which construction has been completed on or after July 1,
10 1991, providing parking to the general public shall provide
11 handicapped parking spaces as stipulated below:

		REQUIRED MINIMUM
		NUMBER OF
		HANDICAPPED
		PARKING SPACES
14	TOTAL PARKING	
15	SPACES IN LOT	
16	10 to 25	1
17	26 to 50	2
18	51 to 75	3
19	76 to 100	4
20	101 to 150	5
21	151 to 200	6
22	201 to 300	7
23	301 to 400	8
24	401 to 500	9
25	501 to 1000	*
26	1001 and over	**

27 * 2 PERCENT OF TOTAL
28 ** 20 SPACES PLUS 1 FOR
29 EACH 100 OVER 1000

30 e. Any other person may also set aside handicapped parking
31 spaces on the person's property provided each handicapped
32 parking space is clearly and prominently designated as a
33 handicapped parking space.

34 Sec. 5. Section 321L.5, subsection 4, Code Supplement
35 1989, is amended by striking the subsection and inserting in

1 lieu thereof the following:

2 4. a. Cities which provide on-street parking areas within
3 a business district shall by ordinance define and establish a
4 business district or districts and shall designate not less
5 than two percent of the total parking spaces within each
6 business district as handicapped parking spaces.

7 b. Upon petition by an individual possessing a permanent
8 handicapped identification device issued in accordance with
9 section 321L.2, the city shall review utilization and location
10 of existing handicapped parking spaces for a one-month period
11 but not more than once every twelve months. If, upon review,
12 the average occupancy rate for handicapped parking spaces
13 exceeds sixty percent during normal business hours, the city
14 shall provide additional handicapped parking spaces as needed.

15 Sec. 6. Section 805.8, subsection 2, paragraph a, Code
16 Supplement 1989, is amended to read as follows:

17 a. For parking violations under sections 321.236, 321.239,
18 321.358, 321.360, and 321.361, the scheduled fine is five
19 dollars. However, violations charged by a city upon simple
20 notice of a fine instead of a uniform citation and complaint
21 as permitted by section 321.236, subsection 1, paragraph "a",
22 are not scheduled violations, and this section shall not apply
23 to any offense charged in that manner. For a parking
24 violation under section 111.38 or 321.362 the scheduled fine
25 is ten dollars. For a parking violation under section 321L.4,
26 subsection 2, the scheduled fine is twenty-five dollars.

27

EXPLANATION

28 This bill authorizes cities and counties to provide by
29 ordinance for a simple notice of a \$25 fine for improper use
30 of a handicapped identification device. All fines collected
31 through the simple notice of fine are retained by the
32 applicable jurisdiction.

33 The bill allows a physician or chiropractor licensed in a
34 contiguous state to provide a statement acknowledging a
35 person's handicap for purposes of receiving a handicapped

1 identification device.

2 The bill allows an organization with a program for
3 transporting the handicapped or elderly or a person in the
4 business of transporting the handicapped or elderly to be
5 issued a handicapped identification hanging device. One
6 device is issued per vehicle. The device is a distinctively
7 different color from other handicapped identification hanging
8 devices and must be surrendered if the organization or the
9 person is no longer providing transportation services to the
10 handicapped or elderly.

11 Current law requires that a handicapped parking space
12 designated after July 1, 1981, be 140 inches wide for one
13 space and 120 inches wide for adjacent spaces with a 40 inch
14 walkway between each space. This bill strikes the dimension
15 requirements and adds new requirements pursuant to 36 C.F.R. §
16 1190.31, which require that each parking space designated
17 after July 1, 1990, be at least 96 inches wide with a 60 inch
18 walkway between vehicles. Current law exempts metered on-
19 street parking from compliance with the dimension requirements
20 for handicapped parking. This bill strikes the metered
21 exemption and adds a parallel on-street parking exemption.

22 The bill changes the amount of required handicapped parking
23 spaces. Current law requires that a state or political
24 subdivision of the state providing off-street parking
25 facilities must provide spaces according to the table found in
26 section 3 of this bill. This bill requires that the off-
27 street parking facilities be public parking facilities, adds a
28 nonresidential entity in addition to the state or political
29 subdivision, and changes the number of spaces from the fixed
30 amount as listed in the table to not less than two percent of
31 the total parking spaces in each parking facility, rounded to
32 the nearest whole number of spaces. However, such a parking
33 facility which has ten or more spaces must designate at least
34 one parking space as a handicapped parking space. A
35 nonresidential parking facility in which construction has been

1 completed on or after July 1, 1991, which provides parking to
2 the general public must provide the numbers of handicapped
3 parking spaces as listed in the table. An entity providing
4 off-street public parking facilities must review the
5 utilization of the handicapped parking spaces for a one-month
6 period every twelve months. If the average occupancy rate of
7 the handicapped parking spaces is greater than 60 percent
8 during normal business hours, then the entity must provide
9 additional parking spaces. An individual who possesses a
10 permanent handicapped identification device may request a
11 handicapped parking space in the parking facility of an entity
12 providing off-street nonresidential parking as a lessor.

13 This bill also changes the number of handicapped spaces
14 required in cities which provide on-street parking within a
15 business district. Current law requires two handicapped
16 parking spaces per lineal block within the business district.
17 This bill requires that a city define and establish a business
18 district by ordinance and designate not less than two percent
19 of the total parking spaces within the business district as
20 handicapped parking spaces. An individual possessing a
21 permanent handicapped identification device may petition the
22 city to review the utilization and location of existing
23 handicapped parking spaces for a one-month period but not more
24 than once every twelve months. If the average occupancy rate
25 exceeds 60 percent during normal business hours, the city must
26 provide additional handicapped parking spaces.

27 Finally, the bill adds a scheduled fine of \$25 for improper
28 use of a handicapped identification device.

29 This bill may include a state mandate as defined in section
30 25B.3.

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SENATE FILE 2244

S-5113

1 Amend Senate File 2244 as follows:

2 1. Page 3, line 24, by striking the word "two"
3 and inserting the following: "one".

4 2. Page 5, line 5, by striking the word "two" and
5 inserting the following: "one".

By PAUL D. PATE
ELAINE SZYMONIAK

S-5113 FILED FEBRUARY 19, 1990

LOST (p. 545)

SENATE FILE 2244

S-5117

1 Amend Senate File 2244 as follows:

2 1. Page 5, by inserting after line 14 the fol-
3 lowing:

4 "Sec. ____ . Section 321L.5, Code Supplement 1989,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 6. A handicapped parking review
7 committee may be established by the state and each
8 political subdivision of the state which is required
9 to provide handicapped parking spaces in off-street
10 public parking facilities according to subsection 3
11 and in political subdivisions required to provide
12 handicapped parking spaces for on-street parking
13 within a business district according to subsection 4.
14 The handicapped parking review committee shall consist
15 of five members who are handicapped persons as defined
16 in section 321L.1 and five members who are officials
17 of the state or political subdivision. The
18 handicapped parking review committee shall have the
19 discretion to increase or decrease the numbers of
20 handicapped parking spaces required by this section.
21 A decision to change the numbers or location of
22 handicapped parking spaces shall be based upon the
23 needs of the community, the percentage of use of the
24 present handicapped parking spaces, and the past
25 experience of the state or political subdivision
26 regarding handicapped parking.

27 An individual may request the handicapped parking
28 review committee to review the amounts and locations
29 of handicapped parking spaces. The handicapped
30 parking review committee shall investigate each
31 individual's request and shall act upon such request
32 if the investigation substantiates the individual's
33 complaint."

By RICHARD RUNNING

S-5117 FILED FEBRUARY 19, 1990

ADOPTED (p. 546)

SENATE FILE 2244
FISCAL NOTE

A fiscal note for Senate File 2244 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2244 authorizes the city or county to provide by ordinance for simple notice of a fine not to exceed \$25 for improper use of a handicapped identification device. This bill allows a person in the business of transporting the handicapped or elderly who utilizes a vehicle specifically designed for transporting these individuals to apply for a permanent handicapped identification device. This bill also changes handicapped parking space dimensions to at least 96 inches wide with a 60 inch walkway between vehicles. Current law requires two handicapped parking spaces per lineal block within a business district. This bill requires that a city define and establish a business district by ordinance and designate not less than two percent of the total parking spaces within the business district as handicapped parking spaces.

Fiscal Effect

Senate File 2244 has no fiscal effect upon the State. Because handicapped parking spaces are larger and used less frequently, an increase in the number of handicapped parking spaces within communities' business districts may reduce cities' revenues generated through the collection of parking fees. However the fiscal impact of this provision cannot be determined.

(Source: Ia. Dept. of Transportation and
League of Ia. Municipalities)

(LSB 7952sv, DLR)

FILED FEBRUARY 12, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. Section 321.236, subsection 1, paragraph a,
2 Code 1989, is amended to read as follows:

3 a. May be charged and collected upon a simple notice of a
4 fine not exceeding five dollars payable to the city clerk or
5 clerk of the district court, if authorized by ordinance.
6 Violations of section 321L.4, subsection 2, may be charged and
7 collected upon a simple notice of a twenty-five dollar fine
8 payable to the city clerk or clerk of the district court, if
9 authorized by ordinance. No costs or other charges shall be
10 assessed. All fines collected by a city pursuant to this
11 paragraph shall be retained by the city and all fines
12 collected by a county pursuant to this paragraph shall be
13 retained by the county.

14 Sec. 2. Section 321L.1, Code Supplement 1989, is amended
15 by adding the following new subsection immediately following
16 unnumbered paragraph 1:

17 NEW SUBSECTION. 1. "Business district" means that
18 territory defined by city ordinance as required under section
19 321L.5.

20 Sec. 3. Section 321L.2, subsection 1, Code Supplement
21 1989, is amended to read as follows:

22 1. a. A handicapped resident of the state desiring a
23 handicapped identification device shall apply to the
24 department upon an application form furnished by the
25 department providing the applicant's name, address, date of
26 birth, and social security number and shall also provide a
27 statement from a physician licensed under chapter 148, 149,
28 150, or 150A, or a chiropractor licensed under chapter 151, or
29 a physician or chiropractor licensed to practice in a
30 contiguous state, written on the physician's or chiropractor's
31 stationery, stating the nature of the applicant's handicap and
32 such additional information as required by rules adopted by
33 the department under section 321L.8. Handicapped registration
34 plates must be ordered pursuant to section 321.34, subsection
35 7. A handicapped person may apply for either one temporary or

1 one permanent handicapped identification hanging device.
2 Persons who seek a permanent handicapped identification device
3 shall be required to furnish evidence upon initial application
4 that they are permanently handicapped. A person who has
5 provided satisfactory evidence to the department that the
6 person is permanently handicapped shall not be required to
7 furnish evidence of being handicapped at a later date, unless
8 the department deems it necessary. Persons who seek only
9 temporary handicapped identification stickers or hanging
10 devices shall be required to furnish evidence upon initial
11 application that they are temporarily handicapped and, in
12 addition, furnish evidence at three-month intervals that they
13 remain temporarily handicapped. Temporary handicapped
14 identification stickers and hanging devices shall be of a
15 distinctively different color from permanent handicapped
16 identification stickers and hanging devices.

54217 b. The department may issue permanent handicapped
18 identification hanging devices to the following in accordance
19 with rules adopted by the department:

20 (1) An organization which has a program for transporting
21 the handicapped or elderly.

22 (2) A person in the business of transporting the
23 handicapped or elderly.

54224 One handicapped identification hanging device may be issued
25 for each vehicle used by the organization or person for
26 transporting the handicapped or elderly. A handicapped
27 identification hanging device issued under this paragraph
28 shall be surrendered to the department if the organization or
29 person is no longer providing the service for which the device
30 was issued. Notwithstanding section 321L.4, a person
31 transporting handicapped or elderly in a motor vehicle for
32 which a handicapped identification hanging device has been
33 issued under this paragraph may display the device in the
34 motor vehicle and may use a handicapped parking space while
35 the motor vehicle is displaying the device. A handicapped

1 identification hanging device issued under this paragraph
2 shall be of a distinctively different color from the
3 handicapped identification hanging devices issued under
4 paragraph "a".

5 c. A new handicapped identification device can be issued
6 if the previously issued device is reported lost, stolen, or
7 damaged. The device reported as being lost or stolen shall be
8 invalidated by the department. A device which is damaged
9 shall be returned to the department and exchanged for a new
10 device in accordance with rules adopted by the department.

5414 >

11 Sec. 4. Section 321L.5, subsections 2 and 3, Code
12 Supplement 1989, are amended to read as follows:

13 2. A handicapped parking space designated after July 1,
14 ~~1989~~ 1990, shall be at least one hundred forty four inches
15 wide, ~~or if two or more spaces are adjacent to each other,~~
16 ~~each space shall be at least one hundred twenty inches wide~~
17 ~~with at least a forty eight inch walkway between each space in~~
18 accordance with the dimension requirements of 36 C.F.R. §
19 1190.31. However, these dimension requirements do not apply
20 to metered parallel on-street parking spaces.

21 3. a. The state ~~and any or a~~ political subdivision of the
22 state which provides off-street public parking facilities or
23 an entity providing nonresidential parking in off-street
24 public parking facilities shall provide not less than two
25 percent of the total parking spaces in each parking facility
26 as handicapped parking spaces as stipulated in the table
27 below, rounded to the nearest whole number of handicapped
28 parking spaces. However, such parking facilities having ten
29 or more parking spaces shall set aside at least one
30 handicapped parking space.

31 b. An entity providing off-street nonresidential public
32 parking facilities shall review the utilization of existing
33 handicapped parking spaces for a one-month period not less
34 than once every twelve months. If upon review, the average
35 occupancy rate for handicapped parking spaces in a facility

1 exceeds sixty percent during normal business hours, the entity
2 shall provide additional handicapped parking spaces as needed.

3 c. An entity providing off-street nonresidential parking
4 as a lessor shall provide a handicapped parking space to an
5 individual requesting to lease a parking space, if that
6 individual possesses a permanent handicapped identification
7 device issued in accordance with section 321L.2.

8 d. In-addition, any A new nonresidential entity facility
9 in which construction has been completed on or after July 1,
10 1991, providing parking to the general public shall provide
11 handicapped parking spaces as stipulated below:

	REQUIRED MINIMUM
	NUMBER OF
	HANDICAPPED
	PARKING SPACES
14 TOTAL PARKING	
15 SPACES IN LOT	
16 10 to 25	1
17 26 to 50	2
18 51 to 75	3
19 76 to 100	4
20 101 to 150	5
21 151 to 200	6
22 201 to 300	7
23 301 to 400	8
24 401 to 500	9
25 501 to 1000	*
26 1001 and over	**

27 * 2 PERCENT OF TOTAL

28 ** 20 SPACES PLUS 1 FOR

29 EACH 100 OVER 1000

30 e. Any other person may also set aside handicapped parking
31 spaces on the person's property provided each handicapped
32 parking space is clearly and prominently designated as a
33 handicapped parking space.

34 Sec. 5. Section 321L.5, subsection 4, Code Supplement
35 1989, is amended by striking the subsection and inserting in

1 lieu thereof the following:

2 4. a. Cities which provide on-street parking areas within
3 a business district shall by ordinance define and establish a
4 business district or districts and shall designate not less
5 than two percent of the total parking spaces within each
6 business district as handicapped parking spaces.

7 b. Upon petition by an individual possessing a permanent
8 handicapped identification device issued in accordance with
9 section 321L.2, the city shall review utilization and location
10 of existing handicapped parking spaces for a one-month period
11 but not more than once every twelve months. If, upon review,
12 the average occupancy rate for handicapped parking spaces
13 exceeds sixty percent during normal business hours, the city
14 shall provide additional handicapped parking spaces as needed.

15 Sec. 6. Section 321L.5, Code Supplement 1989, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 6. A handicapped parking review committee
18 may be established by the state and each political subdivision
19 of the state which is required to provide handicapped parking
20 spaces in off-street public parking facilities according to
21 subsection 3 and in political subdivisions required to provide
22 handicapped parking spaces for on-street parking within a
23 business district according to subsection 4. The handicapped
24 parking review committee shall consist of five members who are
25 handicapped persons as defined in section 321L.1 and five
26 members who are officials of the state or political
27 subdivision. The handicapped parking review committee shall
28 have the discretion to increase or decrease the numbers of
29 handicapped parking spaces required by this section. A
30 decision to change the numbers or location of handicapped
31 parking spaces shall be based upon the needs of the community,
32 the percentage of use of the present handicapped parking
33 spaces, and the past experience of the state or political
34 subdivision regarding handicapped parking.

35 An individual may request the handicapped parking review

1 committee to review the amounts and locations of handicapped
2 parking spaces. The handicapped parking review committee
3 shall investigate each individual's request and shall act upon
4 such request if the investigation substantiates the
5 individual's complaint.

6 Sec. 7. Section 805.8, subsection 2, paragraph a, Code
7 Supplement 1989, is amended to read as follows:

8 a. For parking violations under sections 321.236, 321.239,
9 321.358, 321.360, and 321.361, the scheduled fine is five
10 dollars. However, violations charged by a city upon simple
11 notice of a fine instead of a uniform citation and complaint
12 as permitted by section 321.236, subsection 1, paragraph "a",
13 are not scheduled violations, and this section shall not apply
14 to any offense charged in that manner. For a parking
15 violation under section 111.38 or 321.362 the scheduled fine
16 is ten dollars. For a parking violation under section 321L.4,
17 subsection 2, the scheduled fine is twenty-five dollars.

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SENATE FILE 2244

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Amend Senate File 2244, as amended, passed, and re-printed by the Senate, as follows:

1. Page 2, line 17, by striking the word "may" and inserting the following: "shall".

2. Page 2, line 24, by striking the word "may" and inserting the following: "shall".

3. Page 3, by inserting after line 10 the following:

"Sec. ____ . Section 321L.4, subsection 2, Code Supplement 1989, is amended to read as follows:

2. The use of a handicapped parking space, located on either public or private property as provided in sections 321L.5 and 321L.6, by a motor vehicle not displaying a handicapped identification device; by a motor vehicle displaying such a device but not being used by a handicapped person, as an operator or passenger; or by a motor vehicle in violation of the rules adopted by the department under section 321L.8, constitutes improper use of a handicapped identification device which is a misdemeanor for which a fine shall be imposed upon the owner, operator, or lessee of the motor vehicle or the purchaser of the handicapped identification device. Peace officers, including meter persons, are authorized to enforce the provisions of this subsection. The fine for each violation shall be twenty-five dollars. Proof of conviction of two or more violations involving improper use of a handicapped identification device is grounds for revocation by the court or the department of the holder's privilege to possess or use the device.

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

"Sec. ____ . NEW SECTION. 321L.11 HANDICAPPED ENFORCEMENT OFFICERS.

All health care facilities, including institutional health facilities, organized outpatient health facilities, outpatient surgical facilities, offices of private health care providers or physicians as defined in section 135.1, subsection 5, required to provide handicapped parking spaces under section 321L.5, which are open to the general public and which have one hundred parking spaces or more, shall designate a person to be known as a handicapped enforcement officer, who shall be authorized by the department of public safety to issue citations for handicapped parking violations of section 321L.4, subsection 2. The handicapped enforcement officer's authority to issue citations for such violations shall be limited to the parking area of the health care facility, or

H-5654

Page 2

- 1 private health care provider or physician's office.
- 2 The department of public safety shall adopt rules
- 3 pursuant to chapter 17A to govern this section."
- 4 5. By renumbering as necessary.

By MURPHY of Dubuque
BROWN of Lucas

H-5654 FILED MARCH 13, 1990

Placed o/c 3/26 (p. 1404)

SENATE FILE 2244

H-5677

- 1 Amend amendment, H-5654, to Senate File 2244 as
- 2 amended, passed, and reprinted, by the Senate, as
- 3 follows:
- 4 1. Page 1, line 40, by inserting after the word
- 5 and figure "subsection 5," the following: "and
- 6 shopping malls".
- 7 2. Page 1, line 50, by striking the word "or".
- 8 3. Page 2, line 1, by inserting after the word
- 9 "office" the following: "or shopping mail".

By MURPHY of Dubuque
BROWN of Lucas

H-5677 FILED MARCH 14, 1990

Placed o/c 3/26 (p. 1404)

SENATE FILE 2244

H-5561

1 Amend Senate File 2244, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Sec. ____ . Section 321.34, subsection 7, Code
6 Supplement 1989, is amended to read as follows:
7 7. HANDICAPPED PLATES. The owner of a motor
8 vehicle subject to registration pursuant to section
9 321.109, subsection 1, light delivery truck, panel
10 delivery truck, or pickup, who is a handicapped
11 person, or who is the parent or guardian of a child
12 who resides with the parent or guardian owner and who
13 is a handicapped person, as defined in section 321L.1,
14 may, upon written application to the department, order
15 handicapped registration plates designed by the
16 department bearing the international symbol of
17 accessibility. The handicapped registration plates
18 shall only be issued if the application is accompanied
19 with a statement from a physician licensed under
20 chapter 148, 149, 150, or 150A, or a chiropractor
21 licensed under chapter 151, written on the physician's
22 or chiropractor's stationery, stating the nature of
23 the applicant's or the applicant's child's handicap
24 and such additional information as required by rules
25 adopted by the department, including proof of
26 residency of a child who is a handicapped person. If
27 the application is approved by the department the
28 handicapped registration plates shall be issued to the
29 applicant in exchange for the previous registration
30 plates issued to the person. The fee for the
31 handicapped plates is five dollars which is in
32 addition to the regular annual registration fee. The
33 department shall validate the handicapped plates in
34 the same manner as regular registration plates are
35 validated under this section at the regular annual
36 registration fee. However, the handicapped plates
37 shall not be renewed without the applicant furnishing
38 evidence to the department that the owner of the motor
39 vehicle or the owner's child is still a handicapped
40 person as defined in section 321L.1, unless the
41 applicant has previously provided satisfactory
42 evidence to the department that the owner of the
43 vehicle or the owner's child is permanently
44 handicapped in which case the furnishing of additional
45 evidence shall not be required for renewal. However,
46 an owner who has a child who is a handicapped person
47 shall provide satisfactory evidence to the department
48 that the handicapped child continues to reside with
49 the owner. The handicapped registration plates shall
50 be surrendered in exchange for regular registration

H-5561

Page 2

1 plates when the owner of the motor vehicle or the
2 owner's child no longer qualifies as a handicapped
3 person as defined in section 321L.1 or when the
4 owner's child who is a handicapped person no longer
5 resides with the owner."

6 2. Page 1, by inserting after line 19 the
7 following:

8 "Sec. ____ . Section 321L.1, subsection 3, Code
9 Supplement 1989, is amended to read as follows:

10 3. "Handicapped identification device" or "device"
11 means an identification device bearing the
12 international symbol of accessibility issued by the
13 department, and includes a handicapped registration
14 plate issued to or for a handicapped person under
15 section 321.34, subsection 7, a handicapped
16 identification sticker affixed to a registration plate
17 issued to a disabled veteran under section 321.166,
18 subsection 6, and a handicapped identification hanging
19 device which is a placard for hanging from the
20 rearview mirror when the motor vehicle is parked."

21 3. By renumbering as necessary.

By DE GROOT of Lyon
GRUHN of Dickinson

H-5561 FILED MARCH 7, 1990

Adopted 3/8 (p. 943)

SENATE FILE 2244

H-5560

1 Amend the amendment, H-5470, to Senate File 2244,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 19, by striking the words
5 "facility, or" and inserting the following:
6 "facility,".

7 2. Page 1, line 20, by inserting after the word
8 "office" the following: ", or shopping mall".

By MURPHY of Dubuque
BROWN of Lucas

H-5560 FILED MARCH 7, 1990

Adopted 3/8 (p. 944)

SENATE FILE 2244

H-5411

1 Amend Senate File 2244, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 17 the fol-
4 lowing:

5 "Sec. ____ . EFFECTIVE DATE.

6 The provisions in section 3 of this Act which
7 authorize the department to issue permanent
8 handicapped identification devices to an organization
9 transporting the handicapped or elderly and to a
10 person in the business of transporting the handicapped
11 or elderly take effect January 1, 1991."

12 2. Title page, line 2, by inserting after the
13 word "devices" the following: "and providing an
14 effective date".

15 3. By renumbering as necessary.

By GRUHN of Dickinson

H-5411 FILED FEBRUARY 28, 1990

Adopted 2/8 (p. 944)

SENATE FILE 2244

H-5414

1 Amend Senate File 2244, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 10 the
4 following:

5 "Sec. ____ . Section 321L.4, subsection 2, Code
6 Supplement 1989, is amended to read as follows:

7 2. The use of a handicapped parking space, located
8 on either public or private property as provided in
9 sections 321L.5 and 321L.6, by a motor vehicle not
10 displaying a handicapped identification device; by a
11 motor vehicle displaying such a device but not being
12 used by a handicapped person, as an operator or
13 passenger; or by a motor vehicle in violation of the
14 rules adopted by the department under section 321L.8,
15 constitutes improper use of a handicapped
16 identification device which is a misdemeanor for which
17 a fine shall be imposed upon the owner, operator, or
18 lessee of the motor vehicle or the purchaser of the
19 handicapped identification device. Peace officers,
20 including meter persons, are authorized to enforce the
21 provisions of this subsection. The fine for each
22 violation shall be twenty-five dollars. Proof of
23 conviction of two or more violations involving
24 improper use of a handicapped identification device is
25 grounds for revocation by the court or the department
26 of the holder's privilege to possess or use the
27 device."

28 2. Renumber sections as necessary.

By MURPHY of Dubuque
BROWN of Lucas

H-5414 FILED FEBRUARY 28, 1990

Adopted 2/8 (p. 944)

SENATE FILE 2244

H-5421

1 Amend Senate File 2244, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 2, line 17, by striking the word "may"
4 and inserting the following: "shall".

5 2. Page 2, line 24, by striking the word "may"
6 and inserting the following: "shall".

By MURPHY of Dubuque

H-5421 FILED FEBRUARY 28, 1990

w/s 2/28 (p. 244)

SENATE FILE 2244

H-5470

1 Amend Senate File 2244, as amended, passed, and
2 reprinted, by the Senate, as follows:

3 1. Page 6, by inserting after line 5 the
4 following:

5 "Sec. ____ . NEW SECTION. 321L.11 HANDICAPPED
6 ENFORCEMENT OFFICERS.

7 All health care facilities, including institutional
8 health facilities, organized outpatient health
9 facilities, outpatient surgical facilities, offices of
10 private health care providers or physicians as defined
11 in section 135.1, subsection 5, and shopping malls,
12 shall designate a person to be known as a handicapped
13 enforcement officer, who shall be authorized by the
14 department of public safety to issue citations for
15 handicapped parking violations of section 321L.4,
16 subsection 2. The handicapped enforcement officer's
17 authority to issue citations for such violations shall
18 be limited to the parking area of the health care
19 facility, or private health care provider or
20 physician's office. The department of public safety
21 shall adopt rules pursuant to chapter 17A to govern
22 this section. This section does not apply to health
23 care facilities, private health care providers'
24 offices, private physicians' offices, or shopping
25 malls not required to provide for handicapped parking
26 spaces pursuant to section 321L.5."

27 2. By renumbering as necessary.

By MURPHY of Dubuque
BROWN of Lucas

H-5470 FILED MARCH 1, 1990

w/s 3/1 (p. 244)

SENATE FILE 2244

H-5303

1 Amend Senate File 2244, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 10 the
4 following:

5 "Sec. ____ . NEW SECTION. 321L.4A INVESTIGATION OF
6 REPORTED HANDICAPPED PARKING VIOLATION.

7 A person who observes a violation of section
8 321L.4, subsection 2, may prepare a written report
9 indicating that a violation has occurred on a form
10 which shall be provided by the department of public
11 safety. The person must deliver the report within
12 forty-eight hours after the violation occurred to a
13 peace officer of the state or a peace officer of the
14 county or municipality in which the violation
15 occurred. The report shall state the time and the
16 location at which the violation occurred and shall
17 include the registration plate number and a
18 description of the vehicle.

19 Within seven calendar days after receiving a report
20 of a violation of section 321L.4, subsection 2, the
21 peace officer shall initiate the investigation of the
22 reported violation. The peace officer shall contact
23 the owner of the motor vehicle involved in the
24 reported violation and request information regarding
25 the incident. If, from the investigation, the peace
26 officer is able to identify the driver, and has
27 reasonable cause to believe a violation of section
28 321L.4 has occurred, the peace officer shall prepare a
29 uniform traffic citation for the violation and shall
30 personally serve it upon the driver of the vehicle or
31 shall have it delivered to the driver of the vehicle
32 by certified mail."

33 2. Page 3, line 34, by inserting after the word
34 "months." the following: "The review shall be
35 conducted during normal business hours."

36 3. Page 5, line 11, by inserting after the word
37 "months." the following: "The review shall be
38 conducted during normal business hours."

By BROWN of Lucas
SHEARER of Louisa
MURPHY of Dubuque

H-5303 FILED FEBRUARY 22, 1990

w/25 2/5 (p 943)

SENATE FILE 2244

H-5301

1 Amend Senate File 2244, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 18, by striking the word "may"
4 and inserting the following: "shall".

5 2. Page 5, by striking lines 24 through 27 and
6 inserting the following: "parking review committee
7 shall consist of one administrative staff person
8 appointed by the political subdivision, one elected
9 official, one member of the general public, and three
10 handicapped persons as defined in section 321L.1. The
11 handicapped parking review committee shall".

12 3. Page 5, by striking line 28 and inserting the
13 following: "have the discretion to increase the
14 numbers of or to relocate the".

15 4. Page 5, by inserting after line 34 the
16 following:

17 "The handicapped parking review committee shall
18 meet as soon as possible after the designation of
19 handicapped parking spaces is made. A report of the
20 committee's findings shall be sent to the political
21 subdivision and to the department of human rights."

22 5. Page 6, by inserting after line 5 the
23 following:

24 "The handicapped parking review committee shall
25 meet thereafter, as necessary, but not less than once
26 per year to review the overall utilization of existing
27 handicapped parking spaces and redesignate amounts and
28 locations of handicapped parking spaces, if
29 necessary."

By BROWN of Lucas
SHEARER of Louisa

H-5301 FILED FEBRUARY 22, 1990

w/B 2/8 (2-944)

HOUSE AMENDMENT TO
SENATE FILE 2244

S-5689

1 Amend Senate File 2244, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Sec. ____ . Section 321.34, subsection 7, Code
6 Supplement 1989, is amended to read as follows:
7 7. HANDICAPPED PLATES. The owner of a motor
8 vehicle subject to registration pursuant to section
9 321.109, subsection 1, light delivery truck, panel
10 delivery truck, or pickup, who is a handicapped
11 person, or who is the parent or guardian of a child
12 who resides with the parent or guardian owner and who
13 is a handicapped person, as defined in section 321L.1,
14 may, upon written application to the department, order
15 handicapped registration plates designed by the
16 department bearing the international symbol of
17 accessibility. The handicapped registration plates
18 shall only be issued if the application is accompanied
19 with a statement from a physician licensed under
20 chapter 148, 149, 150, or 150A, or a chiropractor
21 licensed under chapter 151, written on the physician's
22 or chiropractor's stationery, stating the nature of
23 the applicant's or the applicant's child's handicap
24 and such additional information as required by rules
25 adopted by the department, including proof of
26 residency of a child who is a handicapped person. If
27 the application is approved by the department the
28 handicapped registration plates shall be issued to the
29 applicant in exchange for the previous registration
30 plates issued to the person. The fee for the
31 handicapped plates is five dollars which is in
32 addition to the regular annual registration fee. The
33 department shall validate the handicapped plates in
34 the same manner as regular registration plates are
35 validated under this section at the regular annual
36 registration fee. However, the handicapped plates
37 shall not be renewed without the applicant furnishing
38 evidence to the department that the owner of the motor
39 vehicle or the owner's child is still a handicapped
40 person as defined in section 321L.1, unless the
41 applicant has previously provided satisfactory
42 evidence to the department that the owner of the
43 vehicle or the owner's child is permanently
44 handicapped in which case the furnishing of additional
45 evidence shall not be required for renewal. However,
46 an owner who has a child who is a handicapped person
47 shall provide satisfactory evidence to the department
48 that the handicapped child continues to reside with
49 the owner. The handicapped registration plates shall
50 be surrendered in exchange for regular registration

S-5689

Page 2

1 plates when the owner of the motor vehicle or the
2 owner's child no longer qualifies as a handicapped
3 person as defined in section 321L.1 or when the
4 owner's child who is a handicapped person no longer
5 resides with the owner."

6 2. Page 1, by inserting after line 19 the
7 following:

8 "Sec. ____ . Section 321L.1, subsection 3, Code
9 Supplement 1989, is amended to read as follows:

10 3. "Handicapped identification device" or "device"
11 means an identification device bearing the
12 international symbol of accessibility issued by the
13 department, and includes a handicapped registration
14 plate issued to or for a handicapped person under
15 section 321.34, subsection 7, a handicapped
16 identification sticker affixed to a registration plate
17 issued to a disabled veteran under section 321.166,
18 subsection 6, and a handicapped identification hanging
19 device which is a placard for hanging from the
20 rearview mirror when the motor vehicle is parked."

21 3. Page 6, by inserting after line 17 the fol-
22 lowing:

23 "Sec. ____ . EFFECTIVE DATE.

24 The provisions in section 3 of this Act which
25 authorize the department to issue permanent
26 handicapped identification devices to an organization
27 transporting the handicapped or elderly and to a
28 person in the business of transporting the handicapped
29 or elderly take effect January 1, 1991."

30 4. Title page, line 2, by inserting after the
31 word "devices" the following: "and providing an
32 effective date".

33 5. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5689 FILED MARCH 27, 1990

Senate concurred 3/29 (p. 1394)

SENATE FILE 2244

S-5743

1 Amend the House amendment, S-5689, to Senate File
2 2244, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 "____. Page 1, by striking lines 6 through 9, and
7 inserting the following: "No costs or other charges
8 shall be"."

9 2. Page 2, by inserting after line 20 the
10 following:

11 "____. Page 2, line 7, by striking the words "at a
12 later date" and inserting the following: "~~at a later~~
13 date until three years from the date of issuance".

14 _____. Page 3, by inserting after line 10, the
15 following:

16 "Sec. _____. Section 321L.4, subsection 2, Code
17 Supplement 1989, is amended to read as follows:

18 2. The use of a handicapped parking space, located
19 on either public or private property as provided in
20 sections 321L.5 and 321L.6, by a motor vehicle not
21 displaying a handicapped identification device; by a
22 motor vehicle displaying such a device but not being
23 used by a handicapped person, as an operator or
24 passenger; or by a motor vehicle in violation of the
25 rules adopted by the department under section 321L.8,
26 constitutes improper use of a handicapped
27 identification device which is a misdemeanor for which
28 a fine shall be imposed upon the owner, operator, or
29 lessee of the motor vehicle or the purchaser of the
30 handicapped identification device. The fine for each
31 violation shall be twenty-five fifty dollars for the
32 first violation, one hundred dollars for the second
33 violation, and one hundred fifty dollars for the third
34 violation. Proof of conviction of two or more
35 violations involving improper use of a handicapped
36 identification device is grounds for revocation by the
37 court or the department of the holder's privilege to
38 possess or use the device."

39 _____. Page 6, by inserting after line 5 the
40 following:

41 "Sec. _____. Section 321L.5, Code Supplement 1989,
42 is amended by adding the following new subsection:

43 NEW SUBSECTION. 7. An owner of a privately owned
44 parking facility shall establish a procedure whereby a
45 handicapped person as defined in section 321L.1 who is
46 aggrieved by a violation of the handicapped parking
47 requirements in this section may inform the owner of
48 the violation. If the owner fails to act upon the
49 complaint within a reasonable amount of time, the
50 complainant shall have an action against the owner for
Page 2

1 civil damages in an amount up to one hundred dollars."

2 _____. Page 6, by striking lines 6 through 17."

By LARRY MURPHY

SENATE FILE 2244

AN ACT

RELATING TO PARKING SPACES, HANDICAPPED PARKING SPACES, AND
HANDICAPPED IDENTIFICATION DEVICES AND PROVIDING AN
EFFECTIVE DATE.

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

Section 1. Section 321.34, subsection 7, Code Supplement
1989, is amended to read as follows:

7. HANDICAPPED PLATES. The owner of a motor vehicle
subject to registration pursuant to section 321.109,
subsection 1, light delivery truck, panel delivery truck, or
pickup, who is a handicapped person, or who is the parent or

guardian of a child who resides with the parent or guardian
owner and who is a handicapped person, as defined in section
321L.1, may, upon written application to the department, order
handicapped registration plates designed by the department
bearing the international symbol of accessibility. The
handicapped registration plates shall only be issued if the
application is accompanied with a statement from a physician
licensed under chapter 148, 149, 150, or 150A, or a
chiropractor licensed under chapter 151, written on the
physician's or chiropractor's stationery, stating the nature
of the applicant's or the applicant's child's handicap and
such additional information as required by rules adopted by
the department, including proof of residency of a child who is
a handicapped person. If the application is approved by the
department the handicapped registration plates shall be issued
to the applicant in exchange for the previous registration
plates issued to the person. The fee for the handicapped
plates is five dollars which is in addition to the regular
annual registration fee. The department shall validate the
handicapped plates in the same manner as regular registration
plates are validated under this section at the regular annual
registration fee. However, the handicapped plates shall not
be renewed without the applicant furnishing evidence to the
department that the owner of the motor vehicle or the owner's
child is still a handicapped person as defined in section
321L.1, unless the applicant has previously provided
satisfactory evidence to the department that the owner of the
vehicle or the owner's child is permanently handicapped in
which case the furnishing of additional evidence shall not be
required for renewal. However, an owner who has a child who
is a handicapped person shall provide satisfactory evidence to
the department that the handicapped child continues to reside
with the owner. The handicapped registration plates shall be
surrendered in exchange for regular registration plates when
the owner of the motor vehicle or the owner's child no longer

qualifies as a handicapped person as defined in section 321L.1 or when the owner's child who is a handicapped person no longer resides with the owner.

Sec. 2. Section 321.236, subsection 1, paragraph a, Code 1989, is amended to read as follows:

a. May be charged and collected upon a simple notice of a fine not exceeding five dollars payable to the city clerk or clerk of the district court, if authorized by ordinance. Violations of section 321L.4, subsection 2, may be charged and collected upon a simple notice of a twenty-five dollar fine payable to the city clerk or clerk of the district court, if authorized by ordinance. No costs or other charges shall be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county.

Sec. 3. Section 321L.1, Code Supplement 1989, is amended by adding the following new subsection immediately following unnumbered paragraph 1:

NEW SUBSECTION. 1. "Business district" means that territory defined by city ordinance as required under section 321L.5.

Sec. 4. Section 321L.1, subsection 3, Code Supplement 1989, is amended to read as follows:

3. "Handicapped identification device" or "device" means an identification device bearing the international symbol of accessibility issued by the department, and includes a handicapped registration plate issued to or for a handicapped person under section 321.34, subsection 7, a handicapped identification sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, and a handicapped identification hanging device which is a placard for hanging from the rearview mirror when the motor vehicle is parked.

Sec. 5. Section 321L.2, subsection 1, Code Supplement 1989, is amended to read as follows:

1. a. A handicapped resident of the state desiring a handicapped identification device shall apply to the department upon an application form furnished by the department providing the applicant's name, address, date of birth, and social security number and shall also provide a statement from a physician licensed under chapter 148, 149, 150, or 150A, or a chiropractor licensed under chapter 151, or a physician or chiropractor licensed to practice in a contiguous state, written on the physician's or chiropractor's stationery, stating the nature of the applicant's handicap and such additional information as required by rules adopted by the department under section 321L.8. Handicapped registration plates must be ordered pursuant to section 321.34, subsection 7. A handicapped person may apply for either one temporary or one permanent handicapped identification hanging device. Persons who seek a permanent handicapped identification device shall be required to furnish evidence upon initial application that they are permanently handicapped. A person who has provided satisfactory evidence to the department that the person is permanently handicapped shall not be required to furnish evidence of being handicapped at a later date, unless the department deems it necessary. Persons who seek only temporary handicapped identification stickers or hanging devices shall be required to furnish evidence upon initial application that they are temporarily handicapped and, in addition, furnish evidence at three-month intervals that they remain temporarily handicapped. Temporary handicapped identification stickers and hanging devices shall be of a distinctively different color from permanent handicapped identification stickers and hanging devices.

b. The department may issue permanent handicapped identification hanging devices to the following in accordance with rules adopted by the department:

(1) An organization which has a program for transporting the handicapped or elderly.

(2) A person in the business of transporting the handicapped or elderly.

One handicapped identification hanging device may be issued for each vehicle used by the organization or person for transporting the handicapped or elderly. A handicapped identification hanging device issued under this paragraph shall be surrendered to the department if the organization or person is no longer providing the service for which the device was issued. Notwithstanding section 321L.4, a person transporting handicapped or elderly in a motor vehicle for which a handicapped identification hanging device has been issued under this paragraph may display the device in the motor vehicle and may use a handicapped parking space while the motor vehicle is displaying the device. A handicapped identification hanging device issued under this paragraph shall be of a distinctively different color from the handicapped identification hanging devices issued under paragraph "a".

c. A new handicapped identification device can be issued if the previously issued device is reported lost, stolen, or damaged. The device reported as being lost or stolen shall be invalidated by the department. A device which is damaged shall be returned to the department and exchanged for a new device in accordance with rules adopted by the department.

Sec. 6. Section 321L.5, subsections 2 and 3, Code Supplement 1989, are amended to read as follows:

2. A handicapped parking space designated after July 1, 1981 1990, shall be at least one hundred forty four inches wider 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 in accordance with the dimension requirements of 36 C.F.R. § 1190.31. However, these dimension requirements do not apply to metered parallel on-street parking spaces.

3. a. The state and any or a political subdivision of the state which provides off-street public parking facilities or an entity providing nonresidential parking in off-street public parking facilities shall provide not less than two percent of the total parking spaces in each parking facility as handicapped parking spaces as stipulated in the table below, rounded to the nearest whole number of handicapped parking spaces. However, such parking facilities having ten or more parking spaces shall set aside at least one handicapped parking space.

b. An entity providing off-street nonresidential public parking facilities shall review the utilization of existing handicapped parking spaces for a one-month period not less than once every twelve months. If upon review, the average occupancy rate for handicapped parking spaces in a facility exceeds sixty percent during normal business hours, the entity shall provide additional handicapped parking spaces as needed.

c. An entity providing off-street nonresidential parking as a lessor shall provide a handicapped parking space to an individual requesting to lease a parking space, if that individual possesses a permanent handicapped identification device issued in accordance with section 321L.2.

d. In addition, any A new nonresidential entity facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide handicapped parking spaces as stipulated below:

TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF HANDICAPPED PARKING SPACES
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5

151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	*
1001 and over	**

* 2 PERCENT OF TOTAL
** 20 SPACES PLUS 1 FOR EACH 100 OVER 1000

e. Any other person may also set aside handicapped parking spaces on the person's property provided each handicapped parking space is clearly and prominently designated as a handicapped parking space.

Sec. 7. Section 321L.5, subsection 4, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. Cities which provide on-street parking areas within a business district shall by ordinance define and establish a business district or districts and shall designate not less than two percent of the total parking spaces within each business district as handicapped parking spaces.

b. Upon petition by an individual possessing a permanent handicapped identification device issued in accordance with section 321L.2, the city shall review utilization and location of existing handicapped parking spaces for a one-month period but not more than once every twelve months. If, upon review, the average occupancy rate for handicapped parking spaces exceeds sixty percent during normal business hours, the city shall provide additional handicapped parking spaces as needed.

Sec. 8. Section 321L.5, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A handicapped parking review committee may be established by the state and each political subdivision of the state which is required to provide handicapped parking spaces in off-street public parking facilities according to

subsection 3 and in political subdivisions required to provide handicapped parking spaces for on-street parking within a business district according to subsection 4. The handicapped parking review committee shall consist of five members who are handicapped persons as defined in section 321L.1 and five members who are officials of the state or political subdivision. The handicapped parking review committee shall have the discretion to increase or decrease the numbers of handicapped parking spaces required by this section. A decision to change the numbers or location of handicapped parking spaces shall be based upon the needs of the community, the percentage of use of the present handicapped parking spaces, and the past experience of the state or political subdivision regarding handicapped parking.

An individual may request the handicapped parking review committee to review the amounts and locations of handicapped parking spaces. The handicapped parking review committee shall investigate each individual's request and shall act upon such request if the investigation substantiates the individual's complaint.

Sec. 9. Section 805.8, subsection 2, paragraph a, Code Supplement 1989, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars. However, violations charged by a city upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph "a", are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 111.38 or 321.362 the scheduled fine is ten dollars. For a parking violation under section 321L.4, subsection 2, the scheduled fine is twenty-five dollars.

Sec. 10. EFFECTIVE DATE.

The provisions in section 5 of this Act which authorize the department to issue permanent handicapped identification

devices to an organization transporting the handicapped or elderly and to a person in the business of transporting the handicapped or elderly take effect January 1, 1991.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2244, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 6, 1990

SF 2244

TERRY E. BRANSTAD
Governor