

REGENTS BOARD[681]

Notice of Intended Action

Proposing rule making related to traffic and parking at universities and providing an opportunity for public comment

The Board of Regents hereby proposes to amend Chapter 4, “Traffic and Parking at Universities,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 262.9 and 262.69.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 262.69.

Purpose and Summary

Currently, subrule 4.71(2) limits sanctions for violations of University of Northern Iowa parking rules to \$50 for each offense. The proposed amendment in Item 1 eliminates the \$50 per-sanction limit in order to facilitate a more efficient process for operational changes to the system of parking rates. In accordance with existing rules, all proposed parking rates will continue to be subject to University and Board of Regents approval.

The proposed amendment in Item 2 revises subrule 4.71(4) to increase the time period for filing an appeal of a registration violation or parking violation from seven days to ten days. The purpose of the proposed amendment is to deter nonpayment and permit additional time to file an appeal.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to rule 681—19.18(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 16, 2019. Comments should be directed to:

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322-7905
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 4.71(2) as follows:

4.71(2) Sanctions. Reasonable monetary sanctions may be imposed upon students, employees, and visitors for violation of vehicle registration or parking rules. The amount of such sanctions, ~~not to exceed \$50 for each offense,~~ shall be established by the university and approved by the state board of regents except sanctions established by statute will be imposed at the current statutory amount. A schedule of all sanctions for improper registration and parking shall be published and available for public inspection during normal business hours in the office of the supervisor and in the office of the state board of regents. Registration and parking sanctions may be assessed against the owner or operator of the vehicle involved in each violation or against any person in whose name the vehicle is registered or parking privileges have been granted and charged to ~~their~~ that person’s university account. Registration and parking sanctions may be added to student tuition bills or may be deducted from student deposits or from the salaries or wages of employees or from other funds in the possession of the university.

ITEM 2. Amend subrule 4.71(4) as follows:

4.71(4) Hearing. Students and employees may have a hearing on any registration or parking violation. A hearing request shall be submitted to the supervisor in writing within ~~seven~~ ten days after notice of the violation was given and shall state the grounds of the hearing request. The supervisor may allow additional time within which to request a hearing for good cause shown. Hearings shall be conducted by an impartial committee to be chosen in a manner approved by the president of the university. The person requesting said hearing shall be afforded the opportunity for an administrative hearing by the hearing committee and shall be given reasonable notice of the time and place of the hearing. The decision of the hearing committee shall be final and may be reviewed *de novo* by the district court as provided by law.