

CHAPTER 49
HANDICAPPED PARKING SPACES

S. F. 87

AN ACT providing for the designation of handicapped parking spaces and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

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

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

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

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

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

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

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

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

defendant by ordinary mail directed to the defendant at the address shown in the certificate of responsibility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The department shall promulgate rules:

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

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

*According to enrolled Act

handicapped identification devices to furnish evidence upon initial application that they are physically handicapped and, in addition, to furnish evidence at six-month intervals that they remain physically handicapped.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Two-thirds to the treasurer of state to be credited to the general fund of the state.
2. One-third to the county treasurer to be credited to the general fund of the county.

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

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

Approved May 8, 1981

CHAPTER 50
NONCONFORMING ELEVATORS
H. F. 726

AN ACT relating to nonconforming facilities under the state elevator Code.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 104.11, Code 1981, is amended to read as follows:

104.11 NONCONFORMING FACILITIES. The commissioner, pursuant to rule, may grant exceptions and variances from the requirements of rules adopted for any facility ~~existing--on--January--17--1975~~. Exceptions or variations shall be reasonably related to the age of the facility, and may be conditioned upon a repair or modification of the facility deemed necessary by the commissioner to assure reasonable safety. However, no exception or variance may be