

Sec. 19. NEW SECTION. 552.19 IMMUNITY.

Notwithstanding chapter 25A, there is no liability on behalf of the state of Iowa, the attorney general, or the employees of the attorney general, for damages for failure to execute, or for negligently executing, the duties or authority conferred upon them by this chapter, or the rules adopted pursuant to this chapter.

Sec. 20. NEW SECTION. 552.20 RULES.

The attorney general may adopt rules in accordance with chapter 17A to carry out the provisions of this chapter.

Sec. 21. NEW SECTION. 552.21 CONSTRUCTION OF CHAPTER.

This chapter does not limit the power or authority of the attorney general to seek administrative, legal, or equitable relief as provided by other statutes or at common law.

Sec. 22. NEW SECTION. 552.22 APPLICABILITY.

This chapter applies to all physical exercise club contracts entered into in this state on or after July 1, 1988, concerning physical exercise club facilities located, or services to be provided, in this state.

Sec. 23. This Act takes effect July 1, 1988, but a person operating a physical exercise club on the effective date of this Act has ninety days in which to file a registration statement as required by section 15 of this Act.

Approved May 12, 1988

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## CHAPTER 1222

### HANDICAPPED PARKING

*S.F. 2017*

**AN ACT** relating to handicapped parking and the use, issuance, and display of handicapped identification devices, stickers, signs, and plates, providing a penalty and making penalties applicable; 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 1987, 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 as defined in section 601E.1, may, upon written application to the department, order special registration plates designed by the department bearing the international symbol of accessibility. The special registration plates shall only be issued if the application is accompanied with a statement from a physician licensed under chapter 148, 150, or 150A, written on the physician's stationery, stating the nature of the applicant's handicap and such additional information as required by rules adopted by the department. ~~The~~ If the application ~~shall be~~ is approved by the department ~~and~~ the special registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The fee for the special plates ~~shall be~~ is five dollars which ~~shall be~~ is in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the special plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle is still a handicapped ~~or~~

paraplegic person as defined in section 601E.1, unless the applicant has previously provided satisfactory evidence to the department that the owner of the vehicle is permanently handicapped in which case the furnishing of additional evidence shall not be required for renewal. The special registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle no longer qualifies as a handicapped or paraplegic person as defined in section 601E.1.

Sec. 2. Section 601E.1, Code 1987, is amended by adding the following new subsection: NEW SUBSECTION. 7. "Handicapped parking sign" means a sign which bears the international symbol of accessibility.

Sec. 3. Section 601E.6, subsection 1, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

A handicapped identification device may be displayed in a motor vehicle being used by a handicapped person, either as operator or passenger. 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 upon application on forms prescribed by the department. Before delivering a 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 temporary handicapped identification device shall have the expiration date permanently affixed to the device. Expiration dates and identification numbers affixed to handicapped identification devices shall be of sufficient size to be readable from outside the vehicle.

Sec. 4. Section 601E.6, subsection 1, unnumbered paragraph 4, Code Supplement 1987, is amended to read as follows:

A handicapped identification device or sticker shall only be issued if the applicant files with the department. A person desiring a handicapped identification device or sticker shall apply to the department upon an application form furnished by the department providing the applicant's name, address, and date of birth, and shall also provide a statement from a physician licensed under chapter 148, 150, or 150A, written on the physician's stationery, stating the nature of the applicant's handicap and such additional information as required by rules adopted by the department under subsection 3. This paragraph does not apply to handicapped identification devices issued to nonhandicapped individuals, government agencies, or private organizations under subsection 3, paragraph "d".

Sec. 5. Section 601E.6, subsection 2, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

A city or other political subdivision which provides on-street parking areas or off-street parking facilities shall set aside at least six-tenths of one percent of the metered parking spaces and six-tenths of one percent of the marked parking spaces as handicapped parking spaces. Any other 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 space, located on either public or private property, by a motor vehicle not displaying 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, or by a motor vehicle in violation of the rules adopted by the department under subsection 3, paragraph "e", is a misdemeanor for which a fine may be imposed upon the owner, operator, or lessee of the motor vehicle. The fine for each violation is fifteen twenty-five dollars. Proof of conviction of three or more violations involving improper use of the same a handicapped identification device, handicapped registration plate issued under section 321.34, subsection

7, or a handicapped identification sticker affixed to a registration plate is grounds for revocation by the department of the holder's privilege to use the device.

Sec. 6. Section 601E.6, subsection 3, paragraph a, Code Supplement 1987, is amended to read as follows:

a. Establishing procedure for applying to the department for issuance of a permanent or temporary handicapped identification device and handicapped identification stickers under this section. Temporary handicapped identification devices and stickers shall be of a distinctively different color from permanent handicapped identification devices and stickers.

Sec. 7. Section 601E.6, subsection 3, paragraph b, Code Supplement 1987, is amended to read as follows:

b. Requiring persons who seek permanent handicapped identification devices or handicapped identification stickers to furnish evidence upon initial application that they are permanently handicapped; and requiring persons who seek temporary handicapped identification devices to furnish evidence upon initial application that they are physically handicapped and, in addition, to furnish evidence at three-month intervals that they remain physically 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.

Sec. 8. Section 601E.6, subsection 3, Code Supplement 1987, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. The rules shall require that the handicapped identification device be displayed only while the vehicle is parked or in transit in connection with a trip providing transportation service for handicapped persons. This paragraph does not apply to handicapped identification stickers attached to registration plates issued to disabled veterans under section 321.166, subsection 6, or handicapped registration plates.

Sec. 9. Section 601E.9, Code 1987, is amended to read as follows:

601E.9 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. If a person who owns or leases real property outside the corporate limits of a city is required to provide handicapped parking spaces, the county in which the property is located shall provide the signs for the person. The signs shall be provided upon request at cost.

Sec. 10. Section 601E.10, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A handicapped parking sign shall be displayed designating the handicapped parking space. The handicapped parking sign shall be affixed to a pole or affixed vertically on another object so that it is readily visible to a driver of a motor vehicle approaching the handicapped parking space. A handicapped parking space designated only by the international symbol of accessibility being painted or otherwise placed horizontally on the parking space does not meet the requirements of this subsection.

Sec. 11. Section 805.8, subsection 2, paragraph s, Code Supplement 1987, is amended to read as follows:

s. For a violation of section 601E.6, regulating the use of handicapped parking spaces, the scheduled fine is fifteen twenty-five dollars.

Sec. 12. Section 3 and section 6 of this Act apply to handicapped identification devices issued on or after January 1, 1989.

Approved May 12, 1988

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## CHAPTER 1223

### FOSTER HOME INSURANCE FUND

*S.F. 2107*

**AN ACT** relating to the creation of a foster home insurance fund.

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

Section 1. NEW SECTION. 237.13 FOSTER HOME INSURANCE FUND.

1. For the purposes of this section, "foster home" means either of the following:

a. An individual, as defined in section 237.1, subsection 7, who is licensed to provide child foster care and shall also be known as a "licensed foster home".

b. A guardian appointed on a voluntary petition of a ward pursuant to section 633.557, or a conservator appointed on a voluntary petition of a ward pursuant to section 633.572, provided the ward has an income that does not exceed one hundred fifty percent of the current federal office of management and budget poverty guidelines and who does not have resources in excess of the criteria for resources under the federal supplemental security income program. However, the ward's ownership of one residence and one vehicle shall not be considered in determining resources.

2. The foster home insurance fund is created within the office of the treasurer of state to be administered by the department of human services. The fund consists of all moneys appropriated by the general assembly for deposit in the fund. The general fund of the state is not liable for claims presented against the fund. The department may contract with another state agency, or private organization, to perform the administrative functions necessary to carry out this section.

3. Except as provided in this section, the fund shall pay, on behalf of each licensed foster home, any valid and approved claim of foster children, their parents, guardians, or guardians ad litem, for damages arising from the foster care relationship and the provision of foster care services. The fund shall also reimburse licensed foster homes for property damage or bodily injury, as a result of the activities of the foster child, and reasonable and necessary legal fees incurred in defense of civil claims filed pursuant to subsection 7, paragraph "d", and any judgments awarded as a result of such claims.

4. The fund is not liable for any of the following:

a. A loss arising out of a foster parent's dishonest, fraudulent, criminal, or intentional act.

b. An occurrence which does not arise from the foster care relationship.

c. A bodily injury arising out of the operation or use of a motor vehicle, aircraft, recreational vehicle, or watercraft owned, operated by, rented, leased, or loaned to, a foster parent.

d. A loss arising out of a foster parent's lascivious acts, indecent contact, or sexual activity, as defined in chapters 702 and 709. Notwithstanding any definition to the contrary in chapters 702 and 709, for purposes of this subsection a child is a person under the age of eighteen.

e. A loss or damage arising out of occurrences prior to July 1, 1988.

f. Exemplary or punitive damages.

g. Any claim for which compensation has been provided by, or is available from, any other source including the child's own funds.