

Sec. 12. The state department of transportation shall report to the governor and the general assembly by January 15, 1992, on the allocation of moneys of the living roadway trust fund under section 314.21, and shall include in its report any recommended changes in the allocation of the moneys in the living roadway trust fund.

Sec. 13. This Act, being deemed of immediate importance, takes effect upon its enactment.

Approved May 27, 1989

CHAPTER 247

VEHICLE PARKING AND HANDICAPPED PARKING

H.F. 745

AN ACT relating to the stopping, standing, and parking of vehicles including parking for handicapped persons and providing penalties and effective dates.

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

Section 1. Section 15.286, subsection 4, paragraph a, Code 1989, is amended to read as follows:

a. The Iowa finance authority shall develop criteria to award assistance based upon the applicant's financial need, the cost-benefit of the project, the accessibility to the project by handicapped persons as defined in section ~~601E.1~~ 321L.1, percent of private investment, percent leveraged by other programs, assessment of local housing situation, and ability to administer the program.

Sec. 2. Section 104A.7, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

~~Effective January 1, 1982, all~~ All public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide ~~forty-eight~~ ten 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 required under section ~~601E.1~~ 321L.5, subsection 3.

~~Effective January 1, 1982, all~~ All public and private buildings and facilities, temporary and permanent, which are residences excluding condominiums as defined in chapter 499B and which provide ~~twelve~~ ten or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space as defined in section ~~601E.1~~ 321L.1 for each individual dwelling unit in which a handicapped person resides.

Sec. 3. Section 321.23, subsection 4, Code 1989, is amended to read as follows:

4. A vehicle which does not meet the equipment requirements of this chapter due to the particular use for which it is designed or intended, may be registered by the department upon payment of appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition. A person is not required to have a certificate of title to register a vehicle under this subsection. If the owner elects to have a certificate of title issued for the vehicle, a fee of ten dollars shall be paid by the person making the application upon issuance of a certificate of title. If the department's inspection reveals that the vehicle may be safely operated only under certain conditions or on certain types of roadways, the department may restrict the registration to limit operation of the vehicle to the appropriate conditions or roadways. This subsection does not apply to snowmobiles as defined in section 321G.1. Section 321.382 does not apply to a vehicle registered under this subsection which

is operated exclusively by a handicapped person who has obtained a special handicapped identification device as provided in section ~~601E.6~~ 321L.2, if the special handicapped identification device is carried in the vehicle and shown to a peace officer on request.

Sec. 4. Section 321.34, subsection 7, Code 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 as defined in section ~~601E.1~~ 321L.1, may, upon written application to the department, order special handicapped registration plates designed by the department bearing the international symbol of accessibility. The special 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 handicap and such additional information as required by rules adopted by the department. If the application is approved by the department the special handicapped registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The fee for the special handicapped plates is five dollars which is in addition to the regular annual registration fee. The department shall validate the special handicapped plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the special handicapped plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle is still a handicapped person as defined in section ~~601E.1~~ 321L.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 handicapped registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle no longer qualifies as a handicapped person as defined in section ~~601E.1~~ 321L.1.

Sec. 5. Section 321.166, subsection 6, Code 1989, is amended to read as follows:

6. Registration plates issued a disabled veteran under the provisions of section 321.105, shall display the alphabetical characters "DV" which shall precede the registration plate number. The plates may also display a handicapped identification sticker if issued to the disabled veteran by the department under section ~~601E.6~~ 321L.2.

Sec. 6. Section 321.210, unnumbered paragraph 9, Code 1989, is amended to read as follows:

The department shall not consider or assess points for a parking violation in determining a license suspension under this section and a parking violation is not a moving traffic violation. For purposes of this section, a "parking violation" means a violation of a parking ordinance by local authorities, a violation of section ~~601E.6~~ 321L.4, section 321.366, subsection 6, or sections 321.354 through 321.361 except section 321.354, subsection 1.

Sec. 7. Section 321.358, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 15. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

Sec. 8. Section 321.484, unnumbered paragraph 2, Code 1989, is amended to read as follows:

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~~ 321L, 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 the district 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 the district 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. 9. NEW SECTION. 321L.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Handicapped person" means a person who, because of a disability or impairment, meets either of the following:

- a. Is unable to reasonably walk in excess of two hundred feet unassisted.
- b. Cannot walk without causing serious detriment or injury to the person's health.

2. "Department" means the state department of transportation.

3. "Director" means the director of transportation.

4. "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 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.

5. "Handicapped parking space" means a parking space designated for use by only motor vehicles displaying a handicapped identification device that meets the requirements of sections 321L.5 and 321L.6.

6. "Handicapped parking sign" means a sign which bears the international symbol of accessibility that meets the requirements under section 321L.6.

Sec. 10. NEW SECTION. 321L.2 HANDICAPPED IDENTIFICATION DEVICES — APPLICATION AND ISSUANCE.

1. 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, 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. 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.

2. Any person providing false information with the intent to defraud on the application for a handicapped identification device or on the physician's or chiropractor's statement used in establishing proof under subsection 1 is subject to a civil penalty of one hundred dollars which may be imposed by the department, or subject to invalidation by the department of the device issued to the individual, or subject to both the civil penalty and invalidation.

3. Each handicapped identification device shall be acquired by the department and sold at a 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 handicapped person the department shall permanently affix to the device a unique number which may be used by the department to identify the individual to whom the device is issued. A temporary handicapped identification hanging device shall have the expiration date permanently affixed to the device. Expiration dates and identification numbers affixed to handicapped identification hanging devices shall be of sufficient size to be readable from outside the vehicle.

A handicapped person who has been issued registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped identification sticker to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by the department and sold at a cost not to exceed five dollars, to eligible handicapped persons upon application on forms prescribed by the department.

Sec. 11. NEW SECTION. 321L.3 HANDICAPPED IDENTIFICATION DEVICES – RETURN OF HANGING DEVICES.

Handicapped identification hanging devices shall be returned to the department upon the occurrence of any of the following:

1. The person to whom the device has been issued is deceased.
2. The person to whom the device has been issued has moved out of state.
3. A person has found or has in the person's possession a hanging device that was not issued to that person.
4. The temporary device has expired.
5. The device has been invalidated.
6. The device reported lost or stolen under section 321L.2, subsection 1, is later found or retrieved after a subsequent device has been issued.

A person who fails to return the handicapped identification hanging device as stipulated above and subsequently misuses the device by illegally parking in a handicapped parking space is guilty of a misdemeanor and a fine of one hundred dollars shall be imposed on the person.

Devices may be returned to the department as required by this section either directly to the department or through a driver license station or any law enforcement office.

Sec. 12. NEW SECTION. 321L.4 HANDICAPPED PARKING – DISPLAY AND USE OF DEVICE.

1. A handicapped identification device shall be displayed in a motor vehicle as a hanging device or on a motor vehicle as a plate or sticker as provided in section 321L.2 when being used by a handicapped person, either as an operator or passenger. Each hanging device 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.

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. 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.

Sec. 13. NEW SECTION. 321L.5 HANDICAPPED PARKING SPACES – LOCATION AND REQUIREMENTS.

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

2. A handicapped parking space designated after July 1, 1981, 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. However, these dimension requirements do not apply to metered on-street parking spaces.

3. The state and any political subdivision of the state which provides off-street parking facilities shall provide handicapped parking spaces as stipulated in the table below. In addition, any nonresidential entity providing parking to the general public shall provide handicapped parking spaces as stipulated below:

| <u>TOTAL PARKING SPACES IN LOT</u> | <u>REQUIRED MINIMUM NUMBER OF HANDICAPPED PARKING SPACES</u> |
|------------------------------------|--|
| 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

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.

4. Cities which provide on-street parking areas within a business district shall provide at least two handicapped parking spaces per lineal block within the business district.

5. A handicapped parking space located on a paved surface may be painted with a blue background upon which the international symbol of accessibility is painted in yellow nonskid paint. As used in this subsection, "paved surface" includes surfaces which are asphalt surfaced.

Sec. 14. NEW SECTION. 321L.6 HANDICAPPED PARKING SIGN.

A handicapped parking sign shall be displayed designating the handicapped parking space.

1. The handicapped parking sign shall have a blue background and bear the international symbol of accessibility in white. If an entity who owns or leases real property in a city is required to provide handicapped parking spaces, the city shall provide, upon request, the signs for the entity at cost. If an entity 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 entity at cost upon request.

2. The handicapped parking sign shall be 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.

3. The handicapped parking sign may include a sign stating the fine for improperly using the handicapped parking space provided under section 321L.4, subsection 2.

Sec. 15. NEW SECTION. 321L.7 PENALTY FOR FAILING TO PROVIDE HANDICAPPED PARKING SPACES AND SIGNS.

Failure to provide proper handicapped parking spaces as provided in section 321L.5 or to properly display handicapped parking signs as provided in section 321L.6 is a misdemeanor for which a fine of one hundred dollars shall be imposed for each violation.

Sec. 16. NEW SECTION. 321L.8 HANDICAPPED IDENTIFICATION DEVICES AND PARKING — RULES.

1. The department, pursuant to chapter 17A, shall adopt rules:
 - a. Establishing procedures for applying to the department for issuance of permanent or temporary handicapped identification devices under this chapter.
 - b. Governing the manner in which handicapped identification devices are to be displayed in or on motor vehicles.
 - c. Regarding enforcement of this chapter.
2. The department of public safety shall adopt rules pursuant to chapter 17A governing the manner in which handicapped parking spaces are provided.

Sec. 17. NEW SECTION. 321L.9 RECIPROCITY.

Handicapped identification devices issued lawfully by other states and foreign governmental bodies or their political subdivisions shall be valid handicapped identification devices for nonresidents traveling or visiting in this state.

Sec. 18. NEW SECTION. 321L.10 REISSUANCE OF HANGING DEVICES.

1. The department shall begin the issuance of new handicapped identification hanging devices as provided in this chapter beginning January 1, 1990.
2. After January 1, 1991, only new handicapped identification hanging devices issued by the department pursuant to this chapter shall be valid and other hanging devices issued prior to January 1, 1990, shall be invalid.
3. In addition to the requirements of the permanent and temporary hanging devices provided under sections 321L.2 and 321L.4, one side of the hanging device shall also have the following statement printed on it: "Unauthorized use of this device as indicated in Iowa Code chapter 321L may result in a fine, invalidation of the device, or revocation of the right to use the device." The hanging device shall also include the return address and telephone number of the department.
4. This section does not apply to the issuance of handicapped registration plates or handicapped identification stickers.

Sec. 19. Section 805.8, subsection 2, paragraph s, Code 1989, is amended by striking the paragraph.

Sec. 20. Chapter 601E, Code 1989, is repealed.

Sec. 21. Except for section 7 of this Act, this Act takes effect January 1, 1990. Section 6* of this Act takes effect July 1 following the enactment of this Act.

Approved May 27, 1989

CHAPTER 248

COUNTY VETERAN AFFAIRS COMMISSIONS

H.F. 146

AN ACT relating to the county commission of veteran affairs.

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

Section 1. Section 250.6, Code 1989, is amended to read as follows:

250.6 QUALIFICATION — ORGANIZATION.

They The members of the commission shall qualify by taking the usual oath of office, and give bond in the sum of five hundred dollars each, conditioned for the faithful discharge of

*Section 7 probably intended