

CHAPTER 70

PARKING FOR PERSONS WITH DISABILITIES

H.F. 688

AN ACT relating to handicapped parking permits by changing the term handicapped to the term person with a disability and by providing for nonexpiring removable windshield placards for persons with a lifelong disability, eliminating the requirement that physicians or chiropractors sign removable windshield placards, and eliminating certain identification requirements for persons with disabilities and providing an effective date and applicability provisions.

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

Section 1. Section 15.286, subsection 4, paragraph a, Code 1997, is amended to read as follows:

4. 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 with disabilities as defined in section 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 321.23, subsection 4, Code 1997, 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 with a disability who has obtained a handicapped persons with disabilities parking permit as provided in section 321L.2, if the handicapped persons with disabilities parking permit is carried in or on the vehicle and shown to a peace officer on request.

Sec. 3. Section 321.34, subsection 14, Code 1997, is amended to read as follows:

14. HANDICAPPED PERSONS WITH DISABILITIES SPECIAL PLATES. An owner referred to in subsection 12 who is a handicapped person with a disability, or who is the parent or guardian of a child who resides with the parent or guardian owner and who is a handicapped person with a disability, as defined in section 321L.1, may, upon written application to the department, order special registration plates with a handicapped persons with disabilities processed emblem designed by the department bearing the international symbol of accessibility. The special registration plates with a handicapped processed emblem 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 disability and such additional information as required by rules adopted by the department, including proof of residency of a child who is a handicapped person with a disability. If the application is approved by the department the special registration plates with a handicapped persons with disabilities processed emblem shall be issued to the applicant. There shall be no fee in addition to the regular annual

registration fee for the special registration plates with a handicapped persons with disabilities processed emblem. The authorization for special registration plates with a handicapped persons with disabilities processed emblem 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 with a disability as defined in section 321L.1. An owner who has a child who is a handicapped person with a disability shall provide satisfactory evidence to the department that the handicapped child with a disability continues to reside with the owner. The registration plates with a handicapped persons with disabilities processed emblem shall be surrendered in exchange for regular registration plates as provided in subsection 12 when the owner of the motor vehicle or the owner's child no longer qualifies as a handicapped person with a disability as defined in section 321L.1 or when the owner's child who is a handicapped person with a disability no longer resides with the owner.

Sec. 4. Section 321.166, subsection 6, Code 1997, 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 persons with disabilities parking sticker if issued to the disabled veteran by the department under section 321L.2.

Sec. 5. Section 321.179, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

1. Notwithstanding the provisions of this chapter or chapter 321L which grant sole authority to the department for the issuance of motor vehicle licenses, nonoperator's identification cards, and handicapped persons with disabilities identification devices, the counties of Adams, Cass, Fremont, Mills, Montgomery, and Page shall be authorized to issue motor vehicle licenses, nonoperator's identification cards, and handicapped persons with disabilities identification devices on a permanent basis. However, a county shall only be authorized to issue commercial driver's licenses if certified to do so by the department. If a county fails to meet the standards for certification under this section, the department itself shall provide for the issuance of commercial driver's licenses in that county. The department shall certify the county treasurers in the permanent counties to issue commercial driver's licenses if all of the following conditions are met:

Sec. 6. Section 321L.1, subsections 4 through 6, Code 1997, are amended to read as follows:

4. "Handicapped Persons with disabilities parking permit" means a permit bearing the international symbol of accessibility issued by the department which allows the holder to park in a handicapped persons with disabilities parking space, and includes the following:

a. A handicapped persons with disabilities registration plate issued to or for a handicapped person with a disability under section 321.34, subsection 7.

b. A handicapped persons with disabilities parking sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, or to an operator under section 321.34.

c. A handicapped persons with disabilities removable windshield placard which is a two-sided placard for hanging from the rearview mirror when the motor vehicle is parked in a handicapped persons with disabilities parking space.

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

6. "Handicapped Persons with disabilities parking space" means a parking space, including the access aisle, designated for use by only motor vehicles displaying a handicapped persons with disabilities parking permit that meets the requirements of sections 321L.5 and 321L.6.

Sec. 7. Section 321L.1, subsection 7, unnumbered paragraph 1, Code 1997, is amended to read as follows:

~~“Handicapped person~~ Person with a disability” means a person with a disability that limits or impairs the person’s ability to walk. A person shall be considered ~~handicapped a person with a disability~~ for purposes of this chapter under the following circumstances:

Sec. 8. Section 321L.1, Code 1997, is amended by adding the following new subsection:
NEW SUBSECTION. 8. “Lifelong disability” means a disability described under subsection 7 which has been determined to be permanent by a person authorized to provide the statement of disability required by section 321L.2.

Sec. 9. Section 321L.2, subsection 1, paragraph a, unnumbered paragraphs 1 and 2, Code 1997, are amended to read as follows:

A ~~handicapped~~ resident of the state with a disability desiring a ~~handicapped persons with disabilities~~ parking permit 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~~ disability and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary ~~handicapped persons with disabilities~~ parking permit, the physician’s or chiropractor’s statement shall state the period of time during which the person is expected to be ~~handicapped~~ disabled and the period of time for which the permit should be issued, not to exceed six months.

A ~~handicapped person with a disability~~ may apply for one of the following ~~handicapped persons with disabilities~~ parking permits:

Sec. 10. Section 321L.2, subsection 1, paragraph a, subparagraph (3), Code 1997, is amended to read as follows:

(3) Removable windshield placard. A ~~handicapped person with a disability~~ may apply for a temporary removable windshield placard which shall be valid for a period of up to six months, ~~as determined by the physician’s or chiropractor’s statement under this subsection~~ or a nonexpiring removable windshield placard ~~which shall be valid for a period of four years from the date of issuance, as determined by the physician’s or chiropractor’s statement under this subsection.~~ A temporary removable windshield placard shall be renewed within thirty days of the date of expiration. ~~To renew the placard, the person shall comply with the requirements for initial issuance of the placard under this section.~~ Persons seeking temporary removable windshield placards shall be required to furnish evidence upon initial application that they are ~~temporarily handicapped~~ have a temporary disability and, in addition, furnish evidence at subsequent intervals that they remain temporarily ~~handicapped~~ disabled. Temporary removable windshield placards shall be of a distinctively different color from nonexpiring removable windshield placards. A nonexpiring removable windshield placard shall state on the face of the placard that it is a nonexpiring placard. The department shall issue one additional removable windshield placard upon the request of a ~~handicapped person with a disability~~.

Sec. 11. Section 321L.2, subsection 1, paragraph b, Code 1997, is amended to read as follows:

b. The department may issue expiring removable windshield placards to the following:

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

(2) A person in the business of transporting ~~the handicapped or elderly persons with disabilities or elderly persons.~~

One expiring removable windshield placard may be issued for each vehicle used by the organization or person for transporting ~~the handicapped or elderly persons with disabilities~~

~~or elderly persons. A placard issued under this paragraph shall be renewed every four years from the date of issuance and shall be surrendered to the department if the organization or person is no longer providing the service for which the placard was issued. Notwithstanding section 321L.4, a person transporting handicapped or elderly persons with disabilities or elderly persons in a motor vehicle for which a placard has been issued under this paragraph may display the placard in the motor vehicle and may use a handicapped persons with disabilities parking space while the motor vehicle is displaying the placard. A placard issued under this paragraph shall be of a distinctively different color from a placard issued under paragraph "a". ~~An organization issued a removable windshield placard and a handicapped person being transported under this subsection are exempt from the handicapped designation requirement under section 321L.4.~~~~

Sec. 12. Section 321L.2, subsection 3, paragraph b, subparagraph (3), Code 1997, is amended to read as follows:

(3) The signature of the person who has been issued the placard ~~and the signature of the physician or chiropractor who made the determination that the person was handicapped for purposes of issuance of the placard.~~

Sec. 13. Section 321L.2, subsection 5, Code 1997, is amended by striking the subsection.

Sec. 14. Section 321L.4, subsection 2, Code 1997, is amended to read as follows:

2. The use of a handicapped persons with disabilities parking space, located on either public or private property as provided in sections 321L.5 and 321L.6, by an operator of a motor vehicle not displaying a handicapped persons with disabilities parking permit; by an operator of a motor vehicle displaying a handicapped persons with disabilities parking permit but not being used by a person in possession of a motor vehicle license with a handicapped designation or a nonoperator's identification card with a handicapped designation, other than a person issued a permit or being transported in accordance with section 321L.2, subsection 1, paragraph "b"; or by a motor vehicle in violation of the rules adopted by the department under section 321L.8, constitutes improper use of a handicapped persons with disabilities parking permit, which is a misdemeanor for which a fine shall be imposed upon the owner, operator, or lessee of the motor vehicle or the person to whom the handicapped persons with disabilities parking permit is issued. The fine for each violation shall be one hundred dollars. Proof of conviction of two or more violations involving improper use of a handicapped persons with disabilities parking permit is grounds for revocation by the court or the department of the holder's privilege to possess or use the handicapped persons with disabilities parking permit.

Sec. 15. AMENDMENTS CHANGING TERMINOLOGY — DIRECTIVES TO CODE EDITOR.

1. The Code editor shall substitute the words "persons with disabilities" for the word "handicapped" wherever the word "handicapped" is used in the terms "handicapped parking permit", "handicapped parking permits", "handicapped parking space", "handicapped parking spaces", "handicapped designation", "handicapped designations", "handicapped identification designation", "handicapped identification designations", "handicapped parking space", "handicapped parking spaces", "handicapped parking", "handicapped parking review committee", "handicapped parking sign", "handicapped parking signs", "handicapped parking sticker", "handicapped parking stickers", "handicapped registration plate", "handicapped registration plates", "handicapped identification device", and "handicapped identification devices".

2. The Code editor shall substitute the word "disability" for "handicap" where there appears to be no doubt as to the intent to refer to a disability.

3. The Code editor shall substitute the words "person with a disability" for the words "handicapped person" and the words "persons with disabilities" for the words "handicapped persons" where there appears to be no doubt as to the intent to refer to a person with a disability or persons with disabilities.

Sec. 16. Section 321L.6, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 17. EFFECTIVE AND APPLICABILITY DATE PROVISIONS. This Act, being deemed of immediate importance, takes effect upon enactment. However, state agencies, political subdivisions of the state, and other persons which currently have signs or windshield placards, stickers, or other devices which bear the word "handicapped" or the statement required by section 321L.6, subsection 3, Code 1997, may continue to use the placards, stickers, or devices until they would be replaced in the normal course of business.

Approved April 22, 1997

CHAPTER 71
POLICE BICYCLES
S.F. 80

AN ACT relating to police bicycles.

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

Section 1. Section 321.231, subsection 3, Code 1997, is amended to read as follows:

3. The driver of a fire department vehicle, police vehicle, or ambulance, or a peace officer riding a police bicycle in the line of duty may do any of the following:

- a. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- b. Exceed the maximum speed limits so long as the driver does not endanger life or property.

Sec. 2. Section 321.234, subsection 2, Code 1997, is amended to read as follows:

2. A person, including a peace officer, riding a bicycle on the highway is subject to the provisions of this chapter and has all the rights and duties under this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police bicycles.

Sec. 3. Section 321.397, Code 1997, is amended to read as follows:

321.397 LAMPS ON BICYCLES.

Every bicycle shall be equipped with a lamp on the front exhibiting a white light, at the times specified in section 321.384 visible from a distance of at least three hundred feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred feet to the rear; except that a red reflector meeting the requirements of this chapter may be used in lieu of a rear light. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

Sec. 4. Section 321.434, Code 1997, is amended to read as follows:

321.434 BICYCLE SIRENS OR WHISTLES.

~~No~~ A bicycle shall not be equipped with nor shall any and a person shall not use upon a bicycle any siren or whistle. This section shall not apply to bicycles ridden by peace officers in the line of duty.

Approved April 23, 1997