

CHAPTER 411
PERSONS WITH DISABILITIES PARKING PERMITS

[Prior to 6/3/87, Transportation Department [820]—(07,D) Ch 1]

761—411.1(321L) Information and applications. Information and applications regarding persons with disabilities parking permits are available, electronically or otherwise, by mail from the Office of Vehicle and Motor Carrier Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278, in person at 6310 SE Convenience Blvd., Ankeny, Iowa, by telephone at (515)237-3110, by facsimile at (515)237-3056, or on the department's Web site at www.iowadot.gov.
[ARC 3450C, IAB 11/8/17, effective 12/13/17]

761—411.2(321L) Definitions.

411.2(1) The definitions in Iowa Code section 321L.1 are hereby made part of and fully incorporated in this chapter.

411.2(2) As used in this chapter, unless the context otherwise requires:

"Health care provider" means a physician licensed under Iowa Code chapter 148 or 149, a physician assistant licensed under Iowa Code chapter 148C, an advanced registered nurse practitioner licensed under Iowa Code chapter 152, or a chiropractor licensed under Iowa Code chapter 151, or a physician, physician assistant, nurse practitioner, or chiropractor licensed to practice in a contiguous state as set forth in Iowa Code section 321L.2(1).

"Nonexpiring removable windshield placard" means a removable windshield placard issued on or before December 31, 2016, to a person with a permanent disability.

"Organization" means an applicant that is a corporation, partnership, sole proprietorship, business trust, estate, trust, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity lawfully doing business in the state of Iowa that has a program for transporting persons with disabilities or elderly persons.

"Permanent disability" means an applicant is a person with a disability as defined in Iowa Code section 321L.1(8) and the disability will continue indefinitely without resolution and is reasonably expected to last the applicant's lifetime.

"Standard removable windshield placard" means a removable windshield placard issued on or after January 1, 2017, to a person with a permanent disability.

"Statement of disability" means a communication, electronic or otherwise, originating from the applicant's health care provider, which attests that the applicant is a person with a disability as defined in Iowa Code section 321L.1(8). The statement must state the nature of the applicant's disability and indicate whether the applicant's disability is "temporary" or "permanent." If the disability is temporary, the statement shall state the period of time during which the applicant is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months. The statement must reasonably identify, on or within its contents, that it originated from the applicant's health care provider.

"Temporary disability" means an applicant is a person with a disability as defined in Iowa Code section 321L.1(8) and the disability is not permanent and is reasonably expected to last for only a limited period of time.

"Temporary removable windshield placard" means a removable windshield placard issued to a person with a temporary disability.

[ARC 3450C, IAB 11/8/17, effective 12/13/17]

761—411.3(321L) Application for persons with disabilities parking permit.

411.3(1) General. An applicant shall submit a completed application for a persons with disabilities parking permit, including required supporting documentation, pursuant to this chapter and Iowa Code section 321L.2.

a. An applicant may request one of the following persons with disabilities parking permits by completing Form 411055:

- (1) Temporary removable windshield placard.

- (2) Standard removable windshield placard.
- (3) Persons with disabilities special registration plate parking sticker.
- (4) Persons with disabilities special registration plates. An applicant seeking persons with disabilities special registration plates must also submit an application as described in rule 761—401.20(321).

b. An organization seeking a persons with disabilities removable windshield placard shall complete Form 411355. An application made by an organization does not have to include a statement of disability.

411.3(2) *Application requirements.* An application shall include the applicant's full legal name, address, date of birth, social security number or Iowa driver's license number or Iowa nonoperator's identification number, and a statement of disability from the applicant's health care provider. However, if the application is made on behalf of a person who is less than one year old, the application does not have to include a social security number, Iowa driver's license number, or nonoperator's identification card number for the person. In lieu of a statement of disability from a health care provider, an applicant who is certified by the U.S. Department of Veterans Affairs as having a permanent disability may submit both of the following with an otherwise completed persons with disabilities parking permit application:

a. Proof that the applicant is the subject of a certification of disability from the U.S. Department of Veterans Affairs.

b. A self-certification, verified under penalty of perjury, that states the nature of the applicant's disability and attests that the disability certified by the U.S. Department of Veterans Affairs is a permanent disability that impairs the applicant's mobility to the extent defined in Iowa Code section 321L.1(8). The self-certification must be attested to on the persons with disabilities parking permit application.

411.3(3) *Availability of application.* Applications may be obtained from any of the following:

- a.* The department's Web site as set forth in rule 761—411.1(321L).
- b.* The department's office of vehicle and motor carrier services.
- c.* A driver's license station.
- d.* A county treasurer's office.
- e.* The Office of Persons with Disabilities, Iowa Department of Human Rights, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319.

411.3(4) *Application submission.* Completed applications shall be submitted, electronically or otherwise, to any of the following:

- a.* The department's office of vehicle and motor carrier services.
- b.* A driver's license station.
- c.* A county treasurer's office.

411.3(5) *Application submitted by an organization.* An application submitted by an organization shall include the name, mailing address, telephone number, signature of its authorized representative, and if required to obtain one, the organization's federal employer identification number or federal tax identification number.

[ARC 3450C, IAB 11/8/17, effective 12/13/17]

761—411.4(321L) Removable windshield placards.

411.4(1) *Nonexpiring removable windshield placards.*

a. Period of validity. A nonexpiring removable windshield placard issued on or before December 31, 2016, shall remain valid until the occurrence of any condition set forth in Iowa Code section 321L.3(1), the procedure set forth in rule 761—411.8(321L), and as otherwise specified by statute or rule.

b. Replacement. A lost, stolen, or damaged nonexpiring removable windshield placard shall be replaced with a standard removable windshield placard.

411.4(2) *Standard removable windshield placards.* A standard removable windshield placard may be issued only to a person with a permanent disability. A standard removable windshield placard shall not be issued to a person with a temporary disability or to an organization.

a. Period of validity. A standard removable windshield placard shall be valid for five years, and shall expire on the last day of the last month, five years from the month from which it was issued.

b. Renewal.

(1) Submission of application. A person who holds a valid standard removable windshield placard may renew the placard by submitting a persons with disabilities parking permit application pursuant to rule 761—411.3(321L) that includes all required documentation and shows the applicant remains permanently disabled and has a continuing need for the placard.

(2) Timing of renewal application. An application to renew a standard removable windshield placard may be submitted up to 30 days before the current placard's expiration. The renewal or replacement placard shall be valid for five years, and shall expire on the last day of the last month, five years from the month from which it was issued.

411.4(3) Temporary removable windshield placards. A temporary removable windshield placard may be issued to the applicant if the application demonstrates the applicant has a temporary disability. A temporary removable windshield placard shall not be issued to an organization.

a. Period of validity. A temporary removable windshield placard shall be valid for the period of time during which the applicant is expected to be disabled and the period of time for which the permit should be issued as shown by the statement of disability, but not to exceed six months.

b. Renewal.

(1) Submission of application. A person who holds a valid temporary removable windshield placard may renew the placard by submitting a persons with disabilities parking permit application pursuant to rule 761—411.3(321L) that includes all required documentation and shows the applicant remains temporarily disabled.

(2) Timing of renewal application. An application to renew a temporary removable windshield placard may be submitted up to 30 days before the current placard's expiration. The renewal placard shall be valid for the period of time during which the applicant is expected to be disabled and the period of time for which the permit should be issued as shown by the statement of disability, but not to exceed six months.

411.4(4) Removable windshield placards for an organization. An organization may be issued a removable windshield placard. A removable windshield placard issued to an organization shall be valid for four years and shall expire on the last day of the last month, four years from the month from which it was issued. The placard shall bear the name of the organization and the signature of its authorized representative. The organization may renew a placard issued to it by submitting a persons with disabilities parking permit application pursuant to rule 761—411.3(321L) provided the organization continues to provide the service for which the placard was issued. If at any time the organization ceases providing the service for which the placard was issued, the organization shall immediately surrender the placard to the department.

411.4(5) Display of placards. A removable windshield placard shall only be displayed when the vehicle is parked in a persons with disabilities parking space. The removable windshield placard shall be displayed in a manner that allows the entire placard to be visible through the vehicle's windshield.

[ARC 3450C, IAB 11/8/17, effective 12/13/17]

761—411.5(321L) Persons with disabilities special registration plate parking stickers.

411.5(1) Eligibility. A persons with disabilities special registration plate parking sticker may be issued to a person with a permanent disability who owns a motor vehicle for which the person has been issued disabled veteran plates under Iowa Code section 321.105 or registration plates under Iowa Code section 321.34. A special registration plate parking sticker shall not be issued to a person with a temporary disability or to an organization.

411.5(2) Validity. The special registration plate parking sticker shall remain valid for such period of time that the registration for the vehicle remains valid.

411.5(3) Display. The special registration plate parking sticker shall be affixed to the lower right corner of the rear registration plate, as required by rule 761—400.53(321).

[ARC 3450C, IAB 11/8/17, effective 12/13/17]

761—411.6(321L) Persons with disabilities special registration plates. See 761—Chapter 401.
[ARC 3450C, IAB 11/8/17, effective 12/13/17]

761—411.7(321L) Return of persons with disabilities parking permit. A persons with disabilities parking permit issued pursuant to this chapter and Iowa Code section 321L.2 shall be returned to the department within ten days of an occurrence of any of the events set forth in Iowa Code section 321L.3(1) and in the manner prescribed in Iowa Code section 321L.3(3).
[ARC 3450C, IAB 11/8/17, effective 12/13/17]

761—411.8(321L) Revocation of a persons with disabilities parking permit.

411.8(1) Notice of revocation. Notice of revocation shall be in writing and shall specify the basis of the department's determination.

411.8(2) Effective date of permit revocation. Unless otherwise specified by statute or rule, a permit shall be considered revoked 30 days after the department's notice of revocation is served.

411.8(3) Service of notice. The department shall send a notice of revocation by first-class mail to the mailing address as shown on the pertinent application for a persons with disabilities parking permit.

411.8(4) Departmental verification of service of notice. The department may prepare an affidavit of mailing verifying the fact that a notice was mailed by first-class mail. To verify the mailing of a notice, the department may use its records in conjunction with U.S. Postal Service records available to the department. The department's affidavit of mailing may be attested to and certified in accordance with Iowa Code section 622.1.

[ARC 3450C, IAB 11/8/17, effective 12/13/17]

761—411.9(321L) Appeal.

411.9(1) A person or organization whose persons with disabilities parking permit has been revoked may request an informal settlement or a contested case proceeding as provided in 761—Chapter 13 to contest said action.

411.9(2) The request shall be submitted in writing, to the director of the office of vehicle and motor carrier services, at the address listed in rule 761—411.1(321L), and may be submitted electronically by facsimile, e-mail or other means prescribed by the department. To be timely, the request must be submitted within ten days of the receipt of notice of revocation.

411.9(3) When the department receives a properly submitted, timely request for an informal settlement or contested case proceeding or an appeal of a presiding officer's proposed decision regarding a revocation, the department shall stay the revocation pending resolution of the informal resolution, contested case, or appeal.

[ARC 3450C, IAB 11/8/17, effective 12/13/17]

These rules are intended to implement Iowa Code sections 321L.1 to 321L.4 and 321L.8.

[Filed 11/22/76, Notice 10/6/76—published 12/15/76, effective 1/19/77]

[Filed 12/16/81, Notice 10/28/81—published 1/6/82, effective 2/10/82]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 11/1/89, Notice 9/20/89—published 11/29/89, effective 1/3/90]

[Filed 12/5/90, Notice 10/17/90—published 12/26/90, effective 1/30/91]

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed 12/18/92, Notice 10/28/92—published 1/6/93, effective 2/10/93]

[Filed 12/16/93, Notice 11/10/93—published 1/5/94, effective 2/9/94]

[Filed 11/29/95, Notice 10/25/95—published 12/20/95, effective 1/24/96]

[Filed 9/24/97, Notice 8/13/97—published 10/22/97, effective 11/26/97]

[Filed 10/28/98, Notice 8/26/98—published 11/18/98, effective 12/23/98]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed 11/2/05, Notice 9/14/05—published 11/23/05, effective 12/28/05]

[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed ARC 3450C (Notice ARC 3304C, IAB 9/13/17), IAB 11/8/17, effective 12/13/17]