

FEB 16 1971

Law Enforcement *Pass per amendment 3/11*  
" *3/31*, *Pass 5/5*

HOUSE FILE 268

By DUNTON

Passed House, Date 3-29-71 Passed Senate, Date 5-28-71  
Vote: Ayes 83 Nays 1 Vote: Ayes 35 Nays 5

Approved June 14, 1971  
*Passed House as amended*  
*by Senate 6-1-71*  
*aye 17, nay 0*

# A BILL FOR

1 An Act relating to the issuance and use of distress flags  
2 by handicapped persons and providing penalties for  
3 violations thereof.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. As used in this Act, unless the context  
2 otherwise requires:

3 1. "Handicapped or paraplegic person" means:

4 a. Any person who has impairments that, for all practical  
5 purposes, confines him to a wheelchair.

6 b. Any person who has impairments that cause him to walk  
7 with difficulty and insecurity including, but not limited to,  
8 a person using braces or crutches, amputees, arthritics,  
9 spastics, and any person with a pulmonary or cardiac problem  
10 who is semi-ambulatory.

11 2. "Distress flag" means a white flag made of reflective  
12 material, seven and one-half inches in width and thirteen  
13 inches in length, with an irregular one-half inch red border  
14 and a red letter "H" centered thereon, approved and issued  
15 by the commissioner of public safety.

16 Sec. 2. A person whose motor vehicle is disabled, may use  
17 or display a distress flag as a distress signal if he qualifies  
18 as a handicapped or paraplegic person and has been issued a  
19 permit and a distress flag as provided in section three (3)  
20 of this Act.

21 Sec. 3. Any person desiring a distress flag for use as  
22 provided in section two (2) of this Act shall apply to the  
23 department of public safety, upon an application form furnished  
24 by the department, providing his name, address, date of birth,  
25 information on the type of physical apparatus needed to  
26 operate a motor vehicle, if any, and information relating to  
27 his handicap required by the commissioner of public safety.  
28 Upon determination by the commissioner that the applicant  
29 qualifies as a handicapped or paraplegic person as defined in  
30 section one (1) of this Act and the payment of a fee, the  
31 commissioner shall issue the applicant a permit to use a  
32 distress flag. The commissioner shall determine the fee for  
33 the distress flag except that the fee shall not exceed the  
34 cost of the flag to the department. Each distress flag shall  
35 be numbered and in the event of its loss or destruction, the

1 commissioner may issue a duplicate upon payment of the fee.  
2 The commissioner shall maintain a record of all applicants  
3 and those qualified applicants receiving permits and distress  
4 flags.

5 Sec. 4. If a person who has been issued a permit and  
6 distress flag under this Act becomes disqualified as a handi-  
7 capped or paraplegic person, he shall return the permit and  
8 the distress flag to the department.

9 Sec. 5. Any person who is not qualified as a handicapped  
10 or paraplegic person and uses a distress flag as provided in  
11 this Act or for any other purpose is guilty of a misdemeanor.

12 EXPLANATION

13 This bill provides for the use of a distress flag by a  
14 handicapped or paraplegic person whose automobile becomes  
15 inoperable. Any qualified person may receive a permit and  
16 a distress flag for such use by applying to the Department  
17 of Public Safety and paying a fee which shall not exceed the  
18 cost of the distress flag.

19 This bill also provides that any person who is not  
20 qualified as a handicapped or paraplegic person and who uses  
21 a distress flag, is guilty of a misdemeanor.

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- 1 Amend House File 268, page 2, by inserting
- 2 after line 24 the following: "a physician's
- 3 signature attesting to the disability and".

Filed - *Adopted 3/29*  
March 11, 1971

By COMMITTEE ON LAW ENFORCEMENT  
HAMILTON, Chairman

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SENATE AMENDMENT TO HOUSE FILE 268

- 1 Amend House File 268, page 3, line 11, by inserting after
- 2 the word "misdemeanor" the following: "and punishable by a
- 3 fine of not more than one hundred dollars or thirty days in
- 4 jail".

Received from Senate  
May 28, 1971

*House concurred 6/1*

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- 1 Amend House File 268, page 3, line 11 by inserting after the
  - 2 word "misdemeanor" the following: " and punishable by a fine
  - 3 of not more than \$100 or thirty days on jail".

Filed - *Adopted 5/28*  
May 25, 1971

By MOWRY