

Transportation: Miller, Chair; Davitt and Welden.

Do Pass 2/28 (p. 615)
FEB 21 1984

HOUSE FILE 2330

TRANSPORTATION

BY HOLVECK

sub for S.F. 2194

Passed House, Date 3-7-84 (p. 197) Passed Senate, Date 3-12-84 (p. 775)
Vote: Ayes 98 Nays 0 Vote: Ayes 48 Nays 0
Approved March 27, 1984 (p. 1370)

A BILL FOR

1 An Act relating to parking violations and providing, with
2 certain exceptions, that parking violations not be con-
3 sidered for license suspensions or revocations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2330

1 Section 1. Section 321.210, Code 1983, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The department shall not con-
4 sider or assess points for a parking violation in determining
5 a license suspension under this section and a parking viola-
6 tion is not a moving traffic violation. For purposes of this
7 section, a "parking violation" means a violation of a parking
8 ordinance by local authorities, a violation of section 601E.6,
9 section 321.366, subsection 6, or sections 321.354 through
10 321.361 except section 321.354, subsection 1.

11 Sec. 2. Section 321.354, Code 1983, is amended to read
12 as follows:

13 321.354 STOPPING ON TRAVELED WAY. Upon any highway outside
14 of a business or residence district ~~no~~ a person shall not
15 stop, park, or leave standing any a vehicle, whether attended
16 or unattended, ~~upon:~~

17 1. Upon the paved ~~or-improved-or-main-traveled~~ part of
18 the highway when it is practical to stop, park, or ~~so~~ leave
19 ~~such~~ the vehicle off ~~such~~ that part of ~~said~~ the highway, but
20 ~~in-every-event~~ however, a clear and unobstructed width of
21 at least twenty feet of ~~such~~ the paved part of the highway
22 opposite ~~such~~ the standing vehicle shall be left for the free
23 passage of other vehicles ~~and-a.~~ As used in this subsection,
24 "paved highway" includes an asphalt surfaced highway.

25 2. Upon the main traveled part of a highway other than
26 a paved highway when it is practical to stop, park, or leave
27 the vehicle off that part of the highway. However, a clear
28 and unobstructed width of that part of the highway opposite
29 the standing vehicle shall be left to allow for the free
30 passage of other vehicles.

31 PARAGRAPH DIVIDED. A clear view of ~~such~~ the stopped vehicle
32 shall be available from a distance of two hundred feet in
33 each direction upon ~~such-highway~~ provided, ~~however~~ the
34 highway. However, school buses may stop on the highway for
35 receiving and discharging pupils and all other vehicles shall

1 stop for school buses which are stopped to receive or discharge
2 pupils, as provided in section 321.372. This section shall
3 does not apply to a vehicle making a turn as provided in
4 section 321.311.

5 Sec. 3. Section 321.178, subsection 2, paragraph b, Code
6 1983, is amended to read as follows:

7 b. The department may suspend a restricted license issued
8 under this section upon receiving a record of the person's
9 conviction for one violation and shall revoke the license
10 upon receiving a record of conviction for two or more
11 violations of any a law of this state or a city ordinance,
12 ~~other than parking regulations,~~ regulating the operation of
13 motor vehicles on highways ~~and after,~~ other than parking
14 violations as defined in section 321.210. After revoking
15 a license under this section the department shall not grant
16 an application for any a new license or permit until the
17 expiration of one year or until the person attains ~~his or~~
18 ~~her eighteenth birthday~~ the age of eighteen whichever is the
19 longer period.

20 Sec. 4. Section 321.189, subsection 2, paragraph c, Code
21 1983, is amended to read as follows:

22 c. As used in this section, "moving traffic violation"
23 does not include any a parking violation as defined in section
24 321.210 or a violation of any a section of the Code or any
25 municipal ordinance pertaining to the standards to be
26 maintained for motor vehicle equipment except sections 321.430
27 and 321.431, or any except a municipal ordinance pertaining
28 to motor vehicle brake requirements as applicable to motorized
29 bicycles.

30 Sec. 5. Section 321.194, unnumbered paragraph 3, Code
31 Supplement 1983, is amended to read as follows:

32 A license issued under this section is subject to suspension
33 or revocation in like manner as any other license or permit
34 issued under a law of this state. The department may also
35 suspend a license upon receiving satisfactory evidence that

1 the licensee has violated the restrictions of the license
2 or has been involved in one or more accidents chargeable to
3 the licensee. The department may suspend a license issued
4 under this section upon receiving a record of the licensee's
5 conviction for one violation and shall revoke the license
6 upon receiving a record of conviction for two or more
7 violations of a law of this state or a city ordinance, ~~either~~
8 ~~than parking regulations,~~ regulating the operation of motor
9 vehicles on highways other than parking violations as defined
10 in section 321.210. After revoking a license under this
11 section the department shall not grant an application for
12 a new license or permit until the expiration of one year or
13 until the licensee's sixteenth birthday whichever is the
14 longer period.

15 Sec. 6. Section 321.215, subsection 3, Code 1983, is
16 amended to read as follows:

17 3. A temporary restricted permit ~~shall be~~ is valid only
18 if the department is in receipt of records required by this
19 section. The permit shall be canceled upon conviction of
20 a moving traffic violation ~~as defined in section 321.181,~~
21 or upon any violation of the terms of the permit. A "moving
22 traffic violation" does not include a parking violation as
23 defined in section 321.210.

24 Sec. 7. Section 321.283, subsection 13, Code 1983, is
25 amended to read as follows:

26 13. FEE FOR TEMPORARY PERMIT. The fee for a temporary
27 driving permit under subsection 6 ~~shall be~~ is three dollars.
28 The temporary driving permit must be in the permittee's
29 immediate possession while operating a motor vehicle and ~~shall~~
30 ~~be~~ becomes invalid when the permittee is issued a drivers
31 license. The temporary driving permit shall be canceled upon
32 conviction for a moving traffic violation. A "moving traffic
33 violation" does not include a parking violation as defined
34 in section 321.210.

35 Sec. 8. Section 321.366, unnumbered paragraph 1 and

1 subsection 5, Code 1983, are amended to read as follows:

2 It is unlawful for any a person, except a person operating
3 highway maintenance equipment or an authorized emergency ve-
4 hicle, to do any of the following on a fully controlled-access
5 facility:

6 5. Stop, park, or leave standing any a vehicle, whether
7 attended or unattended, upon the paved portion.

8 6. Stop, park, or leave standing a vehicle, whether
9 attended or unattended, upon the shoulders, or the right of
10 way except at designated rest areas or in case of an emer-
11 gency or other dire necessity.

12 Sec. 9. Section 321.555, subsection 2, Code 1983, is
13 amended to read as follows:

14 2. Six or more of any separate and distinct offenses
15 within a two-year period in the operation of a motor vehicle
16 which are required to be reported to the department by section
17 321.207 or chapter 321C, except equipment violations,
18 ~~violations of parking regulations of cities~~ violations as
19 defined in section 321.210, violations of registration laws,
20 operating a vehicle with an expired license or permit, failure
21 to appear, ~~and~~ weights and measures violations and speeding
22 violations of less than fifteen miles per hour over the legal
23 speed limit.

24 EXPLANATION

25 The current rules of the state department of transportation
26 define parking violations other than "parking regulations
27 in cities" as moving traffic violations. The other seven
28 classifications of violations which under department rule
29 are not moving violations range from equipment violations
30 to "careless driving pursuant to city ordinances". This bill
31 prohibits the department from considering parking violations
32 when determining whether to suspend or revoke a license and
33 excludes such violations from the term "moving traffic
34 violations". The bill does not include violations for parking
35 on the paved portion of the highway or fully controlled-access

1 highway in its exclusions.

2 The bill rewrites section 321.354 to allow for a separate
3 citation for parking on paved versus unpaved roads. Persons
4 parking on unpaved roads are required to leave sufficient
5 width of the road to allow for the free passage of other
6 vehicles. The remaining provisions of this section are not
7 changed.

8 Similarly the bill rewrites section 321.366 to allow for
9 a separate citation for parking on the paved portion of a
10 fully controlled-access facility. The bill also intends to
11 clarify that section 321.366 applies to fully controlled-
12 access facilities.

13 The bill takes effect July 1 following its enactment.

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HOUSE FILE 2330

AN ACT

RELATING TO PARKING VIOLATIONS AND PROVIDING, WITH CERTAIN EXCEPTIONS, THAT PARKING VIOLATIONS NOT BE CONSIDERED FOR LICENSE SUSPENSIONS OR REVOCATIONS.

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

Section 1. Section 321.210, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. 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, section 321.366, subsection 6, or sections 321.354 through 321.361 except section 321.354, subsection 1.

Sec. 2. Section 321.354, Code 1983, is amended to read as follows:

321.354 STOPPING ON TRAVELED WAY. Upon any highway outside of a business or residence district ~~no~~ a person shall not stop, park, or leave standing any a vehicle, whether attended or unattended, ~~-upon:~~

1. Upon the paved ~~or-improved-or-main-traveled~~ part of the highway when it is practical to stop, park, or ~~se~~ leave

~~such~~ the vehicle off ~~such~~ that part of ~~said~~ the highway, but ~~in-every-event~~ however, a clear and unobstructed width of at least twenty feet of ~~such~~ the paved part of the highway opposite ~~such~~ the standing vehicle shall be left for the free passage of other vehicles ~~and-a.~~ As used in this subsection, "paved highway" includes an asphalt surfaced highway.

2. Upon the main traveled part of a highway other than a paved highway when it is practical to stop, park, or leave the vehicle off that part of the highway. However, a clear and unobstructed width of that part of the highway opposite the standing vehicle shall be left to allow for the free passage of other vehicles.

PARAGRAPH DIVIDED. A clear view of ~~such~~ the stopped vehicle shall be available from a distance of two hundred feet in each direction upon ~~such-highway,-provided,-however~~ the highway. However, school buses may stop on the highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 321.372. This section shall does not apply to a vehicle making a turn as provided in section 321.311.

Sec. 3. Section 321.178, subsection 2, paragraph b, Code 1983, is amended to read as follows:

b. The department may suspend a restricted license issued under this section upon receiving a record of the person's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of any a law of this state or a city ordinance, ~~other-than-parking-regulations,~~ regulating the operation of motor vehicles on highways ~~and-after,~~ other than parking violations as defined in section 321.210. After revoking a license under this section the department shall not grant an application for any a new license or permit until the expiration of one year or until the person attains ~~his-or~~ her-eighteenth-birthday the age of eighteen whichever is the longer period.

H.F. 2330

Sec. 4. Section 321.189, subsection 2, paragraph c, Code 1983, is amended to read as follows:

c. As used in this section, "moving traffic violation" does not include any a parking violation as defined in section 321.210 or a violation of any a section of the Code or any municipal ordinance pertaining to ~~the~~ standards to be maintained for motor vehicle equipment except sections 321.430 and 321.431, or any except a municipal ordinance pertaining to motor vehicle brake requirements as applicable to motorized bicycles.

Sec. 5. Section 321.194, unnumbered paragraph 3, Code Supplement 1983, is amended to read as follows:

A license issued under this section is subject to suspension or revocation in like manner as any other license or permit issued under a law of this state. The department may also suspend a license upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a license issued under this section upon receiving a record of the licensee's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance, ~~other than parking regulations,~~ regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. After revoking a license under this section the department shall not grant an application for a new license or permit until the expiration of one year or until the licensee's sixteenth birthday whichever is the longer period.

Sec. 6. Section 321.215, subsection 3, Code 1983, is amended to read as follows:

3. A temporary restricted permit ~~shall be~~ is valid only if the department is in receipt of records required by this section. The permit shall be canceled upon conviction of

a moving traffic violation ~~as defined in section 321.181~~ or upon any violation of the terms of the permit. A "moving traffic violation" does not include a parking violation as defined in section 321.210.

Sec. 7. Section 321.283, subsection 13, Code 1983, is amended to read as follows:

13. FEE FOR TEMPORARY PERMIT. The fee for a temporary driving permit under subsection 6 ~~shall be~~ is three dollars. The temporary driving permit must be in the permittee's immediate possession while operating a motor vehicle and ~~shall be becomes~~ invalid when the permittee is issued a drivers license. The temporary driving permit shall be canceled upon conviction for a moving traffic violation. A "moving traffic violation" does not include a parking violation as defined in section 321.210.

Sec. 8. Section 321.366, unnumbered paragraph 1 and subsection 5, Code 1983, are amended to read as follows:

It is unlawful for any a person, except a person operating highway maintenance equipment or an authorized emergency vehicle, to do any of the following on a fully controlled-access facility:

5. Stop, park, or leave standing any a vehicle, whether attended or unattended, upon the paved portion;

6. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the shoulders, or the right of way except at designated rest areas or in case of an emergency or other dire necessity.

Sec. 9. Section 321.555, subsection 2, Code 1983, is amended to read as follows:

2. Six or more of any separate and distinct offenses within a two-year period in the operation of a motor vehicle which are required to be reported to the department by section 321.207 or chapter 321C, except equipment violations, ~~violations of parking regulations of cities~~ violations as defined in section 321.210, violations of registration laws,

operating a vehicle with an expired license or permit, failure to appear, and weights and measures violations and speeding violations of less than fifteen miles per hour over the legal speed limit.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2330, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved March 27, 1984

TERRY E. BRANSTAD
Governor

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