

Reprinted 5/87

REPRINTED

FEB 19 1987

HOUSE FILE 316

Place On Calendar

BY COMMITTEE ON NATURAL
RESOURCES AND OUTDOOR
RECREATION

(Formerly House File 143)✓

Passed House, Date 3-6-87 (p. 547) Passed Senate, Date 4/30/87

Vote: Ayes 58 Nays 37 Vote: Ayes 46 Nays 2

Approved June 7, 1987

A BILL FOR

1 An Act relating to park user permits and providing a penalty and
2 an effective date.

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

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HF 316

1 Section 1. Section 111.85, subsections 1 through 6, 8, and
2 10, Code 1987, are amended to read as follows:

3 1. A person shall not park or permit to be parked a motor
4 vehicle required to be registered under chapter 321 on state
5 land under the jurisdiction of the commission department where
6 a user permit is required by subsection 3, unless the vehicle
7 has a user permit attached in accordance with this section.

8 2. This section does not apply to the following vehicles:

9 a. Official government vehicles, or vehicles operated by
10 state, county, city, and federal employees and agents while in
11 the performance of official government business.

12 b. Vehicles operated by family members and guests of a
13 commission department employee residing at an area subject to
14 the user permit requirement. The commission department shall
15 provide for temporary devices to identify the vehicles of such
16 guests.

17 c. A vehicle moving on highways within or that cross state
18 land to which this section applies.

19 d. A vehicle transporting employees to or furnishing
20 services or supplies to the commission department or
21 designated concessionaire.

22 ~~e.--A-vehicle-displaying-a-handicapped-identification~~
23 ~~device-issued-under-chapter-601E-~~

24 3. The requirement of a user permit applies to developed
25 campgrounds at the Shimek, Yellow River, and Stephens state
26 forests, and all areas managed by the state parks, section
27 recreation, and preserves division of the commission
28 department except those excluded by rule. However, the
29 requirement of a user permit shall not apply on any land
30 acquired by gift if a condition of the gift was the free,
31 public use of the land.

32 4. The user permit issued by the commission department is
33 valid for either the calendar year in which issued or for
34 twenty-four hours from the time of purchase. The fee is ten
35 dollars for the calendar year permit and two dollars for the

1 daily permit. A person may purchase two calendar year permits
2 for a fee of fifteen dollars.

3 5. User permits shall be issued ~~without-the~~ for a permit
4 fee of five dollars by the county recorder to individuals who
5 ~~present-a-current-medical-assistance-identification-card~~
6 ~~provided-by-the-department-of-human-services-or-to-individuals~~
7 ~~who-show-proof-of-age-of-sixty-five-years-or-older-or-to~~
8 individuals who declare themselves in writing to be current
9 food stamp recipients and who sign a release allowing the
10 department of human services to confirm or deny their
11 eligibility status upon request of the county recorder or the
12 commission.

13 6. User permits shall be sold by the commission department
14 and county recorders and may be sold by depositaries
15 designated by the recorders or the director under section
16 110.11. A writing fee may be charged for dispensing the user
17 permits as provided under section 110.12 for licenses. Only
18 one writing fee shall be charged when a person purchases more
19 than one user permit. ~~Duplicate-user-permits-shall-not-be~~
20 ~~issued~~ The commission may establish procedures by rule to
21 issue duplicate permits.

22 8. a. An officer of the commission department who observes
23 a motor vehicle parked in violation of this section shall take
24 the vehicle's registration number and may take other
25 information displayed on the vehicle which may identify its
26 user and deliver to the driver or conspicuously affix to the
27 vehicle a notice of violation in writing on a form provided by
28 the commission department. ~~A-person-who-receives-the-notice~~
29 ~~or-knows-that-a-notice-has-been-affixed-to-the-motor-vehicle~~
30 ~~owned-or-controlled-by-the-person-may-pay-a-civil-penalty-of~~
31 ~~twenty-dollars-to-the-commission-within-twenty-days.--If-the~~
32 ~~civil-penalty-is-not-timely-paid,-the-commission-may~~ The
33 department shall cause a complaint to be filed against the
34 owner or operator of the motor vehicle before a magistrate for
35 the violation of this section in the manner provided in

1 section 804.1. ~~Timely-payment-of-the-civil-penalty-shall-be-a~~
2 ~~bar-to-any-prosecution-for-that-violation-of-this-section-~~
3 ~~All-civil-penalties-collected-under-this-subsection-shall-be~~
4 ~~deposited-in-the-general-fund-of-the-state-~~

5 b. If a citation complaint is issued for a violation of
6 this section and a plea of guilty is entered on or before the
7 time and date set for appearance, the fine shall be thirty
8 dollars and court costs and the criminal penalty surcharge of
9 section 911.2 shall not be imposed.

10 c. The commission department shall provide to its officers
11 sets of triplicate notices each identified by separate serial
12 numbers on each copy of notice. One copy shall be used as a
13 notice of violation and delivered to the person charged or
14 affixed to the vehicle illegally parked, one copy shall be
15 sworn to by the officer as a complaint and may shall be filed
16 with the clerk of the court of the county ~~if-the-civil-penalty~~
17 ~~is-not-timely-paid-to-the-commission~~ and one copy shall be
18 retained by the commission department for record purposes.

19 10. A person who receives a notice of violation under this
20 section may, in lieu of paying the civil criminal penalty,
21 produce proof that the person has acquired a current calendar
22 year permit. The proof shall be submitted to the commission
23 ~~in-the-same-manner-as-the-civil-penalty~~ clerk of court of the
24 county.

25 Sec. 2. This act takes effect January 1, 1988.

26 EXPLANATION

27 This bill changes references in the park user permit
28 section from the commission to the department of natural
29 resources where it is clear that the intent of the
30 reorganization was to have the department provide
31 administrative support. The bill also expands the
32 jurisdiction of the department to require permits on areas
33 leased by the department such as federal lands managed by the
34 department, allows a person to purchase two annual permits for
35 fifteen dollars, eliminates free permits and the exemption for

1 vehicles with the handicapped identification device, allows
2 persons receiving food stamps to purchase an annual permit for
3 five dollars, limits writing fees, and allows the natural
4 resource commission to establish by rule procedures to ensure
5 compliance with this requirement, allows the commission to
6 establish procedures by rule to issue duplicate permits,
7 removes the civil penalty for failure to display a user
8 permit, and retains the ability to avoid a penalty by
9 submitting proof that a current permit has been obtained.

10 The bill takes effect January 1, 1988.

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H-3127

1 Amend House File 316 as follows:

2 1. By striking all after the enacting clause and
3 inserting in lieu thereof the following:

4 "Section 1. Section 111.85, subsections 1 through
5 4, 6, and 8 through 10, Code 1987, are amended to read
6 as follows:

7 1. A person shall not park or permit to be parked
8 a motor vehicle required to be registered under
9 chapter 321 on state land under the jurisdiction of
10 the commission department where a user permit is
11 required by subsection 3, unless the vehicle has a
12 user permit attached in accordance with this section.

13 2. This section does not apply to the following
14 vehicles:

15 a. Official government vehicles, or vehicles
16 operated by state, county, city, and federal employees
17 and agents while in the performance of official
18 government business.

19 b. Vehicles operated by family members and guests
20 of a commission department employee residing at an
21 area subject to the user permit requirement. The
22 commission department shall provide for temporary
23 devices to identify the vehicles of such guests.

24 c. A vehicle moving on highways within or that
25 cross state land to which this section applies.

26 d. A vehicle transporting employees to or
27 furnishing services or supplies to the commission
28 department or designated concessionaire.

29 ~~e. A vehicle displaying a handicapped
30 identification device issued under chapter 681E.~~

31 3. The requirement of a user permit applies to
32 developed campgrounds at the Shimek, Yellow River, and
33 Stephens state forests, and all areas managed by the
34 state parks, section recreation, and preserves
35 division of the commission department except those
36 excluded by rule. However, the requirement of a user
37 permit shall not apply on any land acquired by gift if
38 a condition of the gift was the free, public use of
39 the land.

40 ~~4. The user permit issued by the commission is
41 valid for either the calendar year in which issued or
42 for twenty-four hours from the time of purchase. The
43 fee is ten dollars for the calendar year permit and
44 two dollars for the daily permit. The following three~~
45 forms of user permits shall be issued:

46 a. The calendar year permit shall be sold for a
47 fee of ten dollars and shall be valid for the calendar
48 year in which it is issued.

49 b. The daily permit shall be sold for a fee of two
50 dollars and shall be valid for twenty-four hours from

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Page Two

1 the time of purchase.

2 c. The registration plate permit shall be sold for
3 a fee of one dollar and shall be valid for the current
4 registration period of the motor vehicle for which it
5 is purchased.

6 6. User Calendar year and daily user permits shall
7 be sold by the commission department and county
8 recorders and may be sold by depositaries designated
9 by the recorders or the director under section 110.11.
10 A writing fee may be charged for dispensing the user
11 permits as provided under section 110.12 for licenses.
12 Only one writing fee shall be charged when a person
13 purchases more than one user permit. Duplicate-user
14 permits-shall-not-be-issued The commission may
15 establish procedures by rule to issue duplicate
16 permits.

17 8. a. An officer of the commission department who
18 observes a motor vehicle parked in violation of this
19 section shall take the vehicle's registration number
20 and may take other information displayed on the
21 vehicle which may identify its user and deliver to the
22 driver or conspicuously affix to the vehicle a notice
23 of violation in writing on a form provided by the
24 commission department. A-person-who-receives-the
25 notice-or-knows-that-a-notice-has-been-affixed-to-the
26 motor-vehicle-owned-or-controlled-by-the-person-may
27 pay-a-civil-penalty-of-twenty-dollars-to-the
28 commission-within-twenty-days--if-the-civil-penalty
29 is-not-timely-paid,-the-commission-may The department
30 shall cause a complaint to be filed against the owner
31 or operator of the motor vehicle before a magistrate
32 for the violation of this section in the manner
33 provided in section 804.1. Timely-payment-of-the
34 civil-penalty-shall-be-a-bar-to-any-prosecution-for
35 that-violation-of-this-section--All-civil-penalties
36 collected-under-this-subsection-shall-be-deposited-in
37 the-general-fund-of-the-state.

38 b. If a citation complaint is issued for a
39 violation of this section and a plea of guilty is
40 entered on or before the time and date set for
41 appearance, the fine shall be thirty dollars and court
42 costs and the criminal penalty surcharge of section
43 911.2 shall not be imposed.

44 c. The commission department shall provide to its
45 officers sets of triplicate notices each identified by
46 separate serial numbers on each copy of notice. One
47 copy shall be used as a notice of violation and
48 delivered to the person charged or affixed to the
49 vehicle illegally parked, one copy shall be sworn to
50 by the officer as a complaint and may shall be filed

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Page Three

with the clerk of the court of the county ~~if the civil~~
2 ~~penalty is not timely paid to the commission~~ and one
3 copy shall be retained by the commission department
4 for record purposes.

5 9. The county recorder shall remit to the
6 commission department all fees from the sale of user
7 permits within ten days from the end of the month.
8 The commission department shall remit the fees from
9 sales of user permits to the treasurer of state who
10 shall place the money in a state park, forest, and
11 recreation area facilities improvement trust fund.
12 Notwithstanding section 453.7, subsection 2, interest
13 or earnings on investments or time deposits of the
14 funds in the state park, forest and recreation area
15 facilities improvement trust fund shall be credited to
16 that fund. The money in that fund is appropriated to
17 the commission department solely for renovation,
18 replacement, and improvement of facilities otherwise
19 acquired in state parks, forests, and recreation areas
20 and for reimbursement to the department of
21 transportation for the additional cost of the stickers
22 or emblems under section 2 of this Act.

23 Notwithstanding chapters 96 and 97B, persons employed
24 by the commission with the money from the trust fund
25 are not eligible for membership in the Iowa public
26 employees' retirement system or eligible to receive
27 unemployment compensation benefits by virtue of this
28 employment.

29 10. A person who receives a notice of violation
30 under this section may, in lieu of paying the ~~civil~~
31 criminal penalty, produce proof that the person has
32 acquired a current calendar year permit. The proof
33 shall be submitted to the ~~commission in the same~~
34 manner as the civil penalty clerk of court of the
35 county.

36 Sec. 2. Section 111.85, Code 1987, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 11. A person registering a motor
39 vehicle under chapter 321 shall purchase a
40 registration plate user permit for that motor vehicle
41 unless the person declines to do so at the time of
42 registration or reregistration. The application form
43 for registration or reregistration under chapter 321
44 shall provide the person with the opportunity to
45 decline the purchase of the registration plate user
46 permit. If a person purchases the registration plate
47 user permit, the person shall be issued an emblem or
48 sticker issued under section 321.166, subsection 7,
49 which is easily distinguishable from the emblem or
50 sticker issued to persons who do not purchase the

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Page Four

1 permit. The county treasurer shall transmit the funds
2 received from the purchase of registration plate user
3 permits to the department for deposit under subsection
4 9.

5 Sec. 3. Section 111.85, subsection 5, Code 1987,
6 is amended by striking the subsection.

7 Sec. 4. This Act takes effect January 1, 1988."

H-3127 FILED FEBRUARY 27, 1987 BY DVORSKY of Johnson

Filed 3/6/87 (p. 547)

HOUSE FILE 316

H-3103

1 Amend House File 316 as follows:

2 1. Page 2, by striking line 7 and inserting the
3 following: "who show proof of age of sixty-five years
4 or older or to".

H-3103 FILED FEBRUARY 20, 1987 BY SPEAR of Lee

Filed 3/6/87 (p. 547)

HOUSE FILE 316

H-3107

1 Amend House File 316 as follows:

2 1. Page 2, by striking lines 3 through 12 and
3 inserting the following:

4 "5. User permits shall be issued without the
5 permit fee by the county recorder to individuals who
6 present a current medical assistance identification
7 card provided by the department of human services or
8 to individuals who show proof of age of sixty-five
9 years or older or to individuals who declare
10 themselves in writing to be current food stamp
11 recipients and who sign a release allowing the
12 department of human services to confirm or deny their
13 eligibility status upon request of the county recorder
14 or the commission. Each individual issued a user
15 permit under this subsection shall provide the county
16 recorder with the individual's address. Only one user
17 permit shall be issued under this subsection to a
18 household."

H-3107 FILED FEBRUARY 23, 1987 BY VAN CAMP of Scott

Filed 3/6/87 (p. 547)

HOUSE FILE 316
 AMENDMENT H-3141
 FISCAL NOTE

REQUESTED BY REPRESENTATIVE COOPER

In compliance with a written request received March 3, 1986, a fiscal note for AMENDMENT H-3141 TO HF 316 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

AMENDMENT H-3141 TO HOUSE FILE 316 changes the annual park user permit fee from \$10 each or \$15 for two to \$5.50 per permit and eliminates the provision allowing food stamp recipients to purchase an annual permit for \$5.

ASSUMPTIONS

1. In 1986, 85,000 annual permits and 130,000 daily permits were purchased.
2. In 1986, there were 59,000 free permits issued at an average of 1.5 free permits per free permit recipient. Assuming 80 percent of the free permit recipients purchased permits at the same rate as they were received for free, 47,200 annual permits would be purchased.
3. The estimated cost of printing and distributing is \$.08 per annual permit and \$.06 per daily permit. The cost of handling and selling annual permits is estimated to be \$0.50 per permit transaction. Enforcement, accounting and public information costs are estimated at \$281,384. The park user permit program is not charged for these administrative expenses.

FISCAL EFFECT

Under Amendment H-3141, it is estimated that the park user permit program will generate \$987,100 in receipts and \$377,284 in administrative expenses.

ESTIMATED RECEIPTS

| | | |
|----------------------------------|------|---------|
| 132,200 annual permits at \$5.50 | = \$ | 727,100 |
| 130,000 daily permits at \$2 | = | 260,000 |
| | | ===== |
| TOTAL RECEIPTS | = \$ | 987,100 |

ESTIMATED ADMINISTRATIVE COSTS

| | | |
|---|------|---------|
| Printing and distribution | = \$ | 29,800 |
| Handling and issuance | = | 63,100 |
| Enforcement, accounting & public information | = | 281,384 |
| | | ===== |
| TOTAL ADMIN COSTS | \$ | 377,284 |

SOURCE: Department of Natural Resources

(LSB 2394H.3, RLB)

FILED MARCH 5, 1987

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 316

H-3132

1 Amend the amendment, H-3107, to House File 316 as
2 follows:

3 1. Page 1, by striking lines 8 and 9 and
4 inserting the following: "~~to individuals who show~~
5 ~~proof of age of sixty-five years or older or to~~
6 individuals who declare".

H-3132 FILED MARCH 2, 1987 BY OSTERBERG of Linn
Placed out of order 3/6/87 (p. 541)

HOUSE FILE 316

H-3133

1 Amend House File 316 as follows:

2 1. Page 2, by striking lines 3 through 12 and
3 inserting the following:

4 "5. User permits shall be issued without the
5 permit fee by the county recorder to individuals who
6 present a current medical assistance identification
7 card provided by the department of human services or
8 ~~to individuals who show proof of age of sixty-five~~
9 ~~years or older or to individuals who declare~~
10 themselves in writing to be current food stamp
11 recipients and who sign a release allowing the
12 department of human services to confirm or deny their
13 eligibility status upon request of the county recorder
14 or the commission. Each individual issued a user
15 permit under this subsection shall provide the county
16 recorder with the individual's address. Only one user
17 permit shall be issued under this subsection to a
18 household."

H-3133 FILED MARCH 3, 1987 BY OSTERBERG of Linn
Placed o/c 3/6 (p. 547)

HOUSE FILE 316

H-3141

1 Amend House File 316 as follows:

2 1. Page 1, line 1, by striking the figure "6" and
3 inserting the following: "4, 6".

4 2. Page 1, lines 34 and 35, by striking the words
5 "ten dollars" and inserting the words "ten five
6 dollars fifty cents".

7 3. Page 2, by striking lines 1 and 2 and
8 inserting the words "daily permit."

9 4. Page 2, by striking lines 3 through 12.

10 5. Page 3, by inserting after line 24 the
11 following:

12 "Sec. 2. Section 111.85, subsection 5, Code 1987,
13 is amended by striking the subsection."

14 6. By renumbering to conform with this amendment.

BY COOPER of Lucas

DVORSKY of Johnson

SCHRADER of Marion

GRUHN of Dickinson

H-3141 FILED MARCH 3, 1987

Adopted 3/6/87 (p. 547)

VAN CAMP of Scott

BLACK of Jasper

DIEMER of Black Hawk

PLATT of Muscatine

JOHNSON of Winneshiek

HOUSE FILE 316

H-4251

1 Amend the Senate amendment, H-4112, to House File
2 316 as amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by striking lines 5 through 10.

5 2. Page 1, line 16, by striking the words "one
6 dollar" and inserting the following: "two dollars".

7 3. Page 1, by inserting after line 19 the
8 following:

9 "_____. Page 2, by striking lines 5 through 8 and
10 inserting the following: "110.11. A writing fee may
11 shall not be charged for dispensing the user permits
12 ~~as provided under section 110.12 for licenses.~~

13 ~~Duplicate user permits shall not be.~~"

14 4. Renumber as necessary.

BY COOPER of Lucas
PLATT of Muscatine

H-4251 FILED MAY 6, 1987

HOUSE FILE 316

FISCAL NOTE

REQUESTED BY REPRESENTATIVE COOPER

In compliance with a written request received February 25, 1987, a fiscal note for HOUSE FILE 316 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

HOUSE FILE 316 allows a person to purchase two annual park user permits for \$15, eliminates free permits and the exemption for vehicles with the handicapped identification device, allows food stamp recipients to purchase an annual permit for \$5, and limits writing fees.

ASSUMPTIONS

1. In 1986, 85,000 annual permits and 130,000 daily permits were purchased.
2. In 1986, there were 59,000 free permits issued at an average of 1.5 free permits per free permit recipient. Assuming 80 percent of the free permit recipients purchased permits at the same rate as they were received for free, 47,200 annual permits would be purchased.
3. Assuming 50 percent of permit sales are for single permits and 50 percent are for multiple permits, there would be 66,100 single annual permit sales and 66,100 multiple annual permit sales.
4. In 1986, 2,767 free permits were issued to food stamp recipients. Assuming that 14 percent of the 38,900 free permits issued to senior citizens would also qualify as food stamp recipients, the total number of permits sold to food stamp recipients would be 8,213.
5. The estimated cost of printing and distributing is \$.08 per annual permit and \$.06 per daily permit. The cost of handling and selling annual permits is estimated to be \$0.50 per permit transaction. Enforcement, accounting and public information costs are estimated at \$281,384. The park user permit program is not charged for these administrative expenses.

FISCAL EFFECT

Under current law, the park user permit program is expected to generate \$1,110,000 in receipts and cost approximately \$383,184 to administer.

ESTIMATED RECEIPTS

| | |
|-------------------------------|--------------|
| 85,000 annual permits at \$10 | = \$ 850,000 |
| 59,000 free permits | = 0 |
| 130,000 daily permits at \$2 | = 260,000 |
| | ----- |
| TOTAL RECEIPTS | \$1,110,000 |

ESTIMATED ADMINISTRATIVE COSTS

| | |
|---|-------------|
| Printing and distribution | = \$ 29,800 |
| Handling and issuance | = 72,000 |
| Enforcement, accounting & public information | = 281,384 |
| | ----- |

TOTAL ADMIN COSTS \$ 383,184

Under House File 316, it is estimated that the park user permit program will generate \$1,457,815 in receipts and \$364,866 in administrative expenses.

ESTIMATED RECEIPTS

| | | |
|--|------|-------------|
| 66,100 annual single permits at \$10 | = \$ | 661,000 |
| 66,100 double annual permits (33,050 x \$10 + 33,050 x \$5) | = | 495,750 |
| 130,000 daily permits at \$2 | = | 260,000 |
| 8,213 annual permits sold to food stamp recipients at \$5 | = | 41,065 |
| | | ===== |
| TOTAL RECEIPTS | | \$1,457,815 |

ESTIMATED ADMINISTRATIVE COSTS

| | | |
|---|------|---------|
| Printing and distribution | = \$ | 29,800 |
| Handling and issuance | = | 53,682 |
| Enforcement, accounting & public information | = | 281,384 |
| | | ===== |
| TOTAL ADMIN COSTS | \$ | 364,866 |

SOURCE: Department of Natural Resources

(LSB 2394H, RLB)

FILED MARCH 8, 1987

BY DENNIS PROUTY, FISCAL DIRECTOR

Sen. Natural Resources 3/9/87

House File 316

NATURAL RESOURCES: Husak, Chair; Hannon and Hester

Amend (3566) Do Pass 1/10/87 (p. 1219)

HOUSE FILE 316

BY COMMITTEE ON NATURAL
RESOURCES AND OUTDOOR
RECREATION

(As Amended and Passed by the House March 6, 1987)

Passed House, Date 5/7/87 (p. 2100) Passed Senate, Date 4/30/87 (p. 1607)

Vote: Ayes 55 Nays 40 Vote: Ayes 46 Nays 2

Approved June 7, 1987

Motion to reconsider (p. 1623) w/d (p. 1631)
Repassed Senate 5/7/87 (p. 1775)
25-19

A BILL FOR

1 An Act relating to park user permits and providing a penalty and
2 an effective date.

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

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House Amendments _____

Deleted Language *

Section 1. Section 111.85, subsections 1 through 4, 6, 8,
2 and 10, Code 1987, are amended to read as follows:

3 1. A person shall not park or permit to be parked a motor
4 vehicle required to be registered under chapter 321 on state
5 land under the jurisdiction of the commission department where
6 a user permit is required by subsection 3, unless the vehicle
7 has a user permit attached in accordance with this section.

8 2. This section does not apply to the following vehicles:

9 a. Official government vehicles, or vehicles operated by
10 state, county, city, and federal employees and agents while in
11 the performance of official government business.

12 b. Vehicles operated by family members and guests of a
13 commission department employee residing at an area subject to
14 the user permit requirement. The commission department shall
15 provide for temporary devices to identify the vehicles of such
16 guests.

17 c. A vehicle moving on highways within or that cross state
18 land to which this section applies.

19 d. A vehicle transporting employees to or furnishing
20 services or supplies to the commission department or
21 designated concessionaire.

22 ~~e.--A-vehicle-displaying-a-handicapped-identification~~
23 ~~device-issued-under-chapter-60B-~~

24 3. The requirement of a user permit applies to developed
25 campgrounds at the Shimek, Yellow River, and Stephens state
26 forests, and all areas managed by the state parks, section
27 recreation, and preserves division of the commission
28 department except those excluded by rule. However, the
29 requirement of a user permit shall not apply on any land
30 acquired by gift if a condition of the gift was the free,
31 public use of the land.

32 4. The user permit issued by the commission department is
33 valid for either the calendar year in which issued or for
34 twenty-four hours from the time of purchase. The fee is ten
35 five dollars fifty cents for the calendar year permit and two

1 dollars for the daily permit.

* 2 6. User permits shall be sold by the commission department
3 and county recorders and may be sold by depositaries
4 designated by the recorders or the director under section
5 110.11. A writing fee may be charged for dispensing the user
6 permits as provided under section 110.12 for licenses. Only
7 one writing fee shall be charged when a person purchases more
8 than one user permit. ~~Duplicate-user-permits-shall-not-be~~
9 ~~issued~~ The commission may establish procedures by rule to
10 issue duplicate permits.

11 8. a. An officer of the commission department who observes
12 a motor vehicle parked in violation of this section shall take
13 the vehicle's registration number and may take other
14 information displayed on the vehicle which may identify its
15 user and deliver to the driver or conspicuously affix to the
16 vehicle a notice of violation in writing on a form provided by
17 the commission department. ~~A-person-who-receives-the-notice~~
18 ~~or-knows-that-a-notice-has-been-affixed-to-the-motor-vehicle~~
19 ~~owned-or-controlled-by-the-person-may-pay-a-civil-penalty-of~~
20 ~~twenty-dollars-to-the-commission-within-twenty-days---if-the~~
21 ~~civil-penalty-is-not-timely-paid,--the-commission-may~~ The
22 department shall cause a complaint to be filed against the
23 owner or operator of the motor vehicle before a magistrate for
24 the violation of this section in the manner provided in
25 section 804.1. ~~Timely-payment-of-the-civil-penalty-shall-be-a~~
26 ~~bar-to-any-prosecution-for-that-violation-of-this-section.~~
27 ~~All-civil-penalties-collected-under-this-subsection-shall-be~~
28 ~~deposited-in-the-general-fund-of-the-state.~~

29 b. If a citation complaint is issued for a violation of
30 this section and a plea of guilty is entered on or before the
31 time and date set for appearance, the fine shall be thirty
32 dollars and court costs and the criminal penalty surcharge of
33 section 911.2 shall not be imposed.

34 c. The commission department shall provide to its officers
35 sets of triplicate notices each identified by separate serial

1 numbers on each copy of notice. One copy shall be used as a
2 notice of violation and delivered to the person charged or
3 affixed to the vehicle illegally parked, one copy shall be
4 sworn to by the officer as a complaint and may shall be filed
5 with the clerk of the court of the county ~~if-the-civil-penalty~~
6 ~~is-not-timely-paid-to-the-commission~~ and one copy shall be
7 retained by the commission department for record purposes.

8 10. A person who receives a notice of violation under this
9 section may, in lieu of paying the civil criminal penalty,
10 produce proof that the person has acquired a current calendar
11 year permit. The proof shall be submitted to the commission
12 ~~in-the-same-manner-as-the-civil-penalty~~ clerk of court of the
13 county.

14 Sec. 2. Section 111.85, subsection 5, Code 1987, is
15 amended by striking the subsection.

16 Sec. 3. This act takes effect January 1, 1988.

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HOUSE FILE 316

S-3506

1 Amend House File 316, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 1, by striking the figures "6, 8"
4 and inserting the following: "6, 7, 8".

5 2. Page 1, by inserting after line 23 the
6 following:

7 "f. A vehicle operated by a person attending
8 organized swimming lessons offered in the park and
9 parked in a parking area designated by the department
10 for those participants."

11 3. Page 2, line 1, by inserting after the word
12 "permit." the words "If more than one motor vehicle is
13 registered to members of the same household which
14 resides in Iowa, a member of that household may
15 purchase calendar year permits for the second motor
16 vehicle for a fee of one dollar by showing to the
17 county recorder the registration card of the second
18 and proof of a calendar year permit for the first
19 motor vehicle."

20 4. Page 2, by striking lines 9 and 10 and
21 inserting the following: "issued. The department
22 shall issue replacement permits, without fee, to
23 persons whose original permit has been damaged,
24 partially destroyed, or otherwise rendered unusable.
25 A person shall apply to the department or its
26 authorized representative for a replacement permit by
27 presenting a verifiable remnant of the damaged,
28 partially destroyed, or unusable permit."

29 5. By striking page 2, line 11 through page 3,
30 line 13 and inserting the following:

31 "7. A user permit is not transferable between
32 vehicles and shall be displayed as the commission
33 department prescribes by rule. The permit shall
34 contain space upon which the motor vehicle
35 registration plate numbers and letters shall be
36 entered.

37 8. a. An officer of the commission department who
38 observes a motor vehicle parked in violation of this
39 section shall take the vehicle's registration number
40 and may take other information displayed on the
41 vehicle which may identify its user and deliver to the
42 driver or conspicuously affix to the vehicle a notice
43 of violation in writing on a form provided by the
44 commission department. A person who receives the
45 notice or knows that a notice has been affixed to the
46 motor vehicle owned or controlled by the person may
47 pay a civil penalty of twenty dollars to the
48 commission department within twenty days. If the
49 civil penalty is not timely paid, the commission
50 department may cause a complaint to be filed against

1 the owner or operator of the motor vehicle before a
2 magistrate for the violation of this section in the
3 manner provided in section 804.1. Timely payment of
4 the civil penalty shall be a bar to any prosecution
5 for that violation of this section. All civil
6 penalties collected under this subsection shall be
7 deposited in the general fund of the state.

8 b. If a citation is issued for a violation of this
9 section and a plea of guilty is entered on or before
10 the time and date set for appearance, the fine shall
11 be thirty fifteen dollars and court costs and the
12 criminal penalty surcharge of section 911.2 shall not
13 be imposed.

14 c. The commission department shall provide to its
15 officers sets of triplicate notices each identified by
16 separate serial numbers on each copy of notice. One
17 copy shall be used as a notice of violation and
18 delivered to the person charged or affixed to the
19 vehicle illegally parked, one copy shall be sworn to
20 by the officer as a complaint and may be filed with
21 the clerk of the district court of the county if the
22 civil penalty is not timely paid to the commission
23 department and one copy shall be retained by the
24 commission department for record purposes.

25 10. A person who receives a notice of violation
26 under this section may, before a complaint is filed
27 and in lieu of paying the civil penalty, produce proof
28 that the person has acquired a current calendar year
29 permit. The proof shall be submitted to the
30 commission department in the same manner as the civil
31 penalty."

S-3506

Filed April 10, 1987
Adopted 4/30/87 (p. 1607)

BY COMMITTEE ON NATURAL RESOURCES
HURLEY W. HALL, Chairperson

SENATE AMENDMENT TO HOUSE FILE 316

H-4112

1 Amend House File 316, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 1, by striking the figures "6, 8"
4 and inserting the following: "6, 7, 8".

5 2. Page 1, by inserting after line 23 the
6 following:

7 "f. A vehicle operated by a person attending
8 organized swimming lessons offered in the park and
9 parked in a parking area designated by the department
10 for those participants."

11 3. Page 2, line 1, by inserting after the word
12 "permit." the words "if more than one motor vehicle is
13 registered to members of the same household which
14 resides in Iowa, a member of that household may
15 purchase calendar year permits for the second motor
16 vehicle for a fee of one dollar by showing to the
17 county recorder the registration card of the second
18 and proof of a calendar year permit for the first
19 motor vehicle."

20 4. Page 2, by striking lines 9 and 10 and
21 inserting the following: "~~issued.~~ The department
22 shall issue replacement permits, without fee, to
23 persons whose original permits has been damaged,
24 partially destroyed, or otherwise rendered unusable.
25 A person shall apply to the department or its
26 authorized representative for a replacement permit by
27 presenting a verifiable remnant of the damaged,
28 partially destroyed, or unusable permit."

29 5. By striking page 2, line 11 through page 2,
30 line 13 and inserting the following:

31 "7. A user permit is not transferable between
32 vehicles and shall be displayed as the commission
33 department prescribes by rule. The permit shall
34 contain space upon which the motor vehicle
35 registration plate numbers and letters shall be
36 entered.

37 8. a. An officer of the commission department who
38 observes a motor vehicle parked in violation of this
39 section shall take the vehicle's registration number
40 and may take other information displayed on the
41 vehicle which may identify its user and deliver to the
42 driver or conspicuously affix to the vehicle a notice
43 of violation in writing on a form provided by the
44 commission department. A person who receives the
45 notice or knows that a notice has been affixed to the
46 motor vehicle owned or controlled by the person may
47 pay a civil penalty of twenty dollars to the
48 commission department within twenty days. If the
49 civil penalty is not timely paid, the commission
50 department may cause a complaint to be filed against

H-4112

Page Two

1 the owner or operator of the motor vehicle before a
2 magistrate for the violation of this section in the
3 manner provided in section 804.1. Timely payment of
4 the civil penalty shall be a bar to any prosecution
5 for that violation of this section. All civil
6 penalties collected under this subsection shall be
7 deposited in the general fund of the state.

8 b. If a citation is issued for a violation of this
9 section and a plea of guilty is entered on or before
10 the time and date set for appearance, the fine shall
11 be ~~thirty~~ fifteen dollars and court costs and the
12 criminal penalty surcharge of section 911.2 shall not
13 be imposed.

14 c. The commission department shall provide to its
15 officers sets of triplicate notices each identified by
16 separate serial numbers on each copy of notice. One
17 copy shall be used as a notice of violation and
18 delivered to the person charged or affixed to the
19 vehicle illegally parked, one copy shall be sworn to
20 by the officer as a complaint and may be filed with
21 the clerk of the district court of the county if the
22 civil penalty is not timely paid to the commission
23 department and one copy shall be retained by the
24 commission department for record purposes.

25 10. A person who receives a notice of violation
26 under this section may, before a complaint is filed
27 and in lieu of paying the civil penalty, produce proof
28 that the person has acquired a current calendar year
29 permit. The proof shall be submitted to the
30 commission department in the same manner as the civil
31 penalty."

H-4112 FILED APRIL 30, 1987

RECEIVED FROM THE SENATE

House concurred 5/7/87 (p. 210)

HOUSE FILE 316

H-4251

Amend the Senate amendment, H-4112, to House File
2 316 as amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by striking lines 5 through 10.

5 2. Page 1, line 16, by striking the words "one
6 dollar" and inserting the following: "two dollars".

7 3. Page 1, by inserting after line 19 the
8 following:

9 "____. Page 2, by striking lines 5 through 8 and
10 inserting the following: "110.11. A writing fee may
11 shall not be charged for dispensing the user permits
12 as-provided-under-section-110-12-for-licenses.
13 Duplicate-user-permits-shall-not-be."

14 4. Renumber as necessary.

BY COOPER of Lucas
PLATT of Muscatine

H-4251 FILED MAY 6, 1987

Adopted 5/7/87 (p. 2099)

HOUSE FILE 316

H-4267

1 Amend the Senate amendment, H-4112, to House File
2 316, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 29 through page 2,
5 line 31 and inserting the following:

6 "____. Page 2, by inserting after line 10 the
7 following:

8 "7. A user permit is not transferable between
9 vehicles and shall be displayed as the commission
10 department prescribes by rule. The permit shall
11 contain space upon which the motor vehicle
12 registration plate numbers and letters shall be
13 entered."

H-4267 FILED MAY 7, 1987

BY DIEMER of Black Hawk

LOST (p. 2099)

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 316

-4060

- 1 Amend the Senate amendment, H-4112, to House File
- 2 316 as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 5 through 10.
- 5 2. Page 1, line 16, by striking the words "one
- 6 dollar" and inserting the following: "two dollars".
- 7 3. Page 1, by inserting after line 19 the
- 8 following:
- 9 " ". Page 2, by striking lines 5 through 8 and
- 10 inserting the following: "110.11. A writing fee may
- 11 shall not be charged for dispensing the user permits
- 12 as-provided-under-section-110-12-for-licenses.
- 13 Duplicate-user-permits-shall-not-be."
- 14 4. Renumber as necessary.

S-4060

Filed May 7, 1987

Senate concurred 5/7/87 1775

RECEIVED FROM THE HOUSE

STATE OF IOWA
FISCAL NOTE TO
HOUSE FILE 316

LSB No. 2394H.4
Staff ID. RLB

BY SENATOR HUSAK

In compliance with a written request received March 16, 1986, a fiscal note for HOUSE FILE 316 AS PASSED BY THE HOUSE is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

HOUSE FILE 316 AS PASSED BY THE HOUSE changes the annual park user permit fee from \$10 per permit to \$5.50 per permit and eliminates free permits.

ASSUMPTIONS

1. In 1986, 85,000 annual permits and 130,000 daily permits were purchased.
2. In 1986, there were 59,000 free permits issued at an average of 1.5 free permits per free permit recipient. Assuming 80 percent of the free permit recipients purchased permits at the same rate as they were received for free, 47,200 annual permits would be purchased.
3. The estimated cost of printing and distributing is \$.08 per annual permit and \$.06 per daily permit. The cost of handling and selling annual permits is estimated to be \$0.50 per permit transaction. Enforcement, accounting and public information costs are estimated at \$281,384. The park user permit program is not charged for these administrative expenses.

FISCAL EFFECT

Under current law, the park user permit program is expected to generate \$1,110,000 in receipts and cost approximately \$383,184 to administer.

ESTIMATED RECEIPTS

| | |
|-------------------------------|-------------|
| 85,000 annual permits at \$10 | \$ 850,000 |
| 59,000 free permits | 0 |
| 130,000 daily permits at \$2 | 260,000 |
| | ----- |
| TOTAL RECEIPTS | \$1,110,000 |

ESTIMATED ADMINISTRATIVE COSTS

| | |
|--|------------|
| Printing and distribution | \$ 29,800 |
| Handling and issuance | 72,000 |
| Enforcement, accounting & public information | 281,384 |
| | ----- |
| TOTAL ADMIN. COSTS | \$ 383,184 |

Under House File 316 as passed by the House, it is estimated that the park user permit program will generate \$987,100 in receipts and \$377,284 in administrative expenses.

ESTIMATED RECEIPTS

| | |
|----------------------------------|------------|
| 132,200 annual permits at \$5.50 | \$ 727,100 |
| 130,000 daily permits at \$2 | 260,000 |
| | ----- |
| TOTAL RECEIPTS | \$ 987,100 |

March 18, 1987

STATE OF IOWA

LSB No. 2394H.4
Staff ID. RLB

FISCAL NOTE TO

FN pg. 2

HOUSE FILE 316

-2-

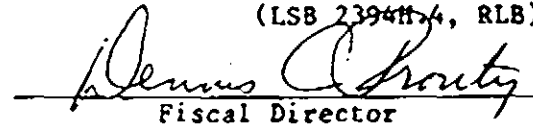
ESTIMATED ADMINISTRATIVE COSTS

| | |
|---|-----------|
| Printing and distribution | \$ 29,800 |
| Handling and issuance | 66,100 |
| Enforcement, accounting & public information | 281,384 |

TOTAL ADMIN. COSTS \$ 377,284

SOURCE: Department of Natural Resources

(LSB 2394H.4, RLB)


Fiscal Director

Legislative Fiscal Bureau

Date: 3/16/87

Filed by the Sec. of the Senate March 17, 1987

HOUSE FILE 316

AN ACT

RELATING TO PARK USER PERMITS AND PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

Section 1. Section 111.85, subsections 1 through 4, 6, 7, 8, and 10, Code 1987, are amended to read as follows:

1. A person shall not park or permit to be parked a motor vehicle required to be registered under chapter 321 on state land under the jurisdiction of the commission department where a user permit is required by subsection 3, unless the vehicle has a user permit attached in accordance with this section.

2. This section does not apply to the following vehicles:

a. Official government vehicles, or vehicles operated by state, county, city, and federal employees and agents while in the performance of official government business.

b. Vehicles operated by family members and guests of a commission department employee residing at an area subject to the user permit requirement. The commission department shall provide for temporary devices to identify the vehicles of such guests.

c. A vehicle moving on highways within or that cross state land to which this section applies.

d. A vehicle transporting employees to or furnishing services or supplies to the commission department or designated concessionaire.

~~e. A vehicle displaying a handicapped identification device issued under chapter 661E.~~

3. The requirement of a user permit applies to developed campgrounds at the Shinnec, Yellow River, and Stephens state forests, and all areas managed by the state parks, section recreation, and preserves division of the commission

department except those excluded by rule. However, the requirement of a user permit shall not apply on any land acquired by gift if a condition of the gift was the free, public use of the land.

4. The user permit issued by the commission department is valid for either the calendar year in which issued or for twenty-four hours from the time of purchase. The fee is ten five dollars fifty cents for the calendar year permit and two dollars for the daily permit. If more than one motor vehicle is registered to members of the same household which resides in Iowa, a member of that household may purchase calendar year permits for the second motor vehicle for a fee of two dollars by showing to the county recorder the registration card of the second and proof of a calendar year permit for the first motor vehicle.

6. User permits shall be sold by the commission department and county recorders and may be sold by depositaries designated by the recorders or the director under section 110.11. A writing fee ~~may~~ shall not be charged for dispensing the user permits ~~as provided under section 110.12 for licenses. Duplicate user permits shall not be issued. The department shall issue replacement permits, without fee, to persons whose original permit has been damaged, partially destroyed, or otherwise rendered unusable. A person shall apply to the department or its authorized representative for a replacement permit by presenting a verifiable remnant of the damaged, partially destroyed, or unusable permit.~~

7. A user permit is not transferable between vehicles and shall be displayed as the commission department prescribes by rule. The permit shall contain space upon which the motor vehicle registration plate numbers and letters shall be entered.

8. a. An officer of the commission department who observes a motor vehicle parked in violation of this section shall take the vehicle's registration number and may take

other information displayed on the vehicle which may identify its user and deliver to the driver or conspicuously affix to the vehicle a notice of violation in writing on a form provided by the commission department. A person who receives the notice or knows that a notice has been affixed to the motor vehicle owned or controlled by the person may pay a civil penalty of twenty dollars to the commission department within twenty days. If the civil penalty is not timely paid, the commission department may cause a complaint to be filed against the owner or operator of the motor vehicle before a magistrate for the violation of this section in the manner provided in section 804.1. Timely payment of the civil penalty shall be a bar to any prosecution for that violation of this section. All civil penalties collected under this subsection shall be deposited in the general fund of the state.

b. If a citation is issued for a violation of this section and a plea of guilty is entered on or before the time and date set for appearance, the fine shall be thirty fifteen dollars and court costs and the criminal penalty surcharge of section 911.2 shall not be imposed.

c. The commission department shall provide to its officers sets of triplicate notices each identified by separate serial numbers on each copy of notice. One copy shall be used as a notice of violation and delivered to the person charged or affixed to the vehicle illegally parked, one copy shall be sworn to by the officer as a complaint and may be filed with the clerk of the district court of the county if the civil penalty is not timely paid to the commission department and one copy shall be retained by the commission department for record purposes.

10. A person who receives a notice of violation under this section may, before a complaint is filed and in lieu of paying the civil penalty, produce proof that the person has acquired a current calendar year permit. The proof shall be submitted

to the commission department in the same manner as the civil penalty.

Sec. 2. Section 111.85, subsection 5, Code 1987, is amended by striking the subsection.

Sec. 3. This Act takes effect January 1, 1988.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 316, Seventy-second General Assembly.

Approved _____

TERRY E. BRANSTAD
Governor

JOSEPH O'BERN
Chief Clerk of the House

1987