

reprinted

MAR 22 1989

HOUSE FILE 745

BY COMMITTEE ON
TRANSPORTATION

Place On Calendar

(SUCCESSOR TO HSB 190)

Passed House, Date 4-6-89 Passed Senate, Date 5/6/89 (P.2037)
 Vote: Ayes 94 Nays 1 Vote: Ayes 47 Nays 1
 Approved May 27, 1989

A BILL FOR

1 An Act relating to the stopping, standing, and parking of
 2 vehicles including parking for handicapped persons and
 3 providing penalties and effective dates.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 745

1 Section 1. Section 15.286, subsection 4, paragraph a, Code
2 1989, is amended to read as follows:

3 a. The Iowa finance authority shall develop criteria to
4 award assistance based upon the applicant's financial need,
5 the cost-benefit of the project, the accessibility to the
6 project by handicapped persons as defined in section ~~601E.1~~
7 321L.1, percent of private investment, percent leveraged by
8 other programs, assessment of local housing situation, and
9 ability to administer the program.

10 Sec. 2. Section 104A.7, unnumbered paragraphs 1 and 2,
11 Code 1989, are amended to read as follows:

12 ~~Effective January 17, 1982, all~~ All public and private
13 buildings and facilities, temporary and permanent, used by the
14 general public, which are not residences and which provide
15 ~~forty-eight~~ ten or more parking spaces, shall set aside at
16 ~~least six-tenths of one percent of the parking spaces provided~~
17 ~~as~~ handicapped parking spaces as ~~defined in~~ required under
18 section ~~601E.1~~ 321L.5, subsection 3.

19 ~~Effective January 17, 1982, all~~ All public and private
20 buildings and facilities, temporary and permanent, which are
21 residences excluding condominiums as defined in chapter 499B
22 and which provide ~~twelve~~ ten or more parking spaces, excluding
23 extended health care facilities, shall set aside at least one
24 handicapped parking space as defined in section ~~601E.1~~ 321L.1
25 for each individual dwelling unit in which a handicapped
26 person resides.

27 Sec. 3. Section 321.23, subsection 4, Code 1989, is
28 amended to read as follows:

29 4. A vehicle which does not meet the equipment
30 requirements of this chapter due to the particular use for
31 which it is designed or intended, may be registered by the
32 department upon payment of appropriate fees and after
33 inspection and certification by the department that the
34 vehicle is not in an unsafe condition. A person is not
35 required to have a certificate of title to register a vehicle

1 under this subsection. If the owner elects to have a
2 certificate of title issued for the vehicle, a fee of ten
3 dollars shall be paid by the person making the application
4 upon issuance of a certificate of title. If the department's
5 inspection reveals that the vehicle may be safely operated
6 only under certain conditions or on certain types of roadways,
7 the department may restrict the registration to limit
8 operation of the vehicle to the appropriate conditions or
9 roadways. This subsection does not apply to snowmobiles as
10 defined in section 321G.1. Section 321.382 does not apply to
11 a vehicle registered under this subsection which is operated
12 exclusively by a handicapped person who has obtained a ~~special~~
13 handicapped identification device as provided in section
14 ~~601E-6~~ 321L.2, if the ~~special~~ handicapped identification
15 device is carried in the vehicle and shown to a peace officer
16 on request.

17 Sec. 4. Section 321.34, subsection 7, Code 1989, is
18 amended to read as follows:

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19 7. HANDICAPPED PLATES. The owner of a motor vehicle
20 subject to registration pursuant to section 321.109,
21 subsection 1, light delivery truck, panel delivery truck, or
22 pickup, who is a handicapped person as defined in section
23 ~~601E-1~~ 321L.1, may, upon written application to the
24 department, order ~~special~~ handicapped registration plates
25 designed by the department bearing the international symbol of
26 accessibility. The ~~special~~ handicapped registration plates
27 shall only be issued if the application is accompanied with a
28 statement from a physician licensed under chapter 148, 149,
29 150, or 150A, or a chiropractor licensed under chapter 151,
30 written on the physician's or chiropractor's stationery,
31 stating the nature of the applicant's handicap and such
32 additional information as required by rules adopted by the
33 department. If the application is approved by the department
34 the ~~special~~ handicapped registration plates shall be issued to
35 the applicant in exchange for the previous registration plates

1 issued to the person. The fee for the ~~special~~ handicapped
2 plates is five dollars which is in addition to the regular
3 annual registration fee. The department shall validate the
4 special plates in the same manner as regular registration
5 plates are validated under this section at the regular annual
6 registration fee. However, the handicapped plates shall not
7 be renewed without the applicant furnishing evidence to the
8 department that the owner of the motor vehicle is still a
9 handicapped person as defined in section ~~601E-1~~ 321L.1, unless
10 the applicant has previously provided satisfactory evidence to
11 the department that the owner of the vehicle is permanently
12 handicapped in which case the furnishing of additional
13 evidence shall not be required for renewal. The handicapped
14 registration plates shall be surrendered in exchange for
15 regular registration plates when the owner of the motor
16 vehicle no longer qualifies as a handicapped person as defined
17 in section ~~601E-1~~ 321L.1.

18 Sec. 5. Section 321.166, subsection 6, Code 1989, is
19 amended to read as follows:

20 6. Registration plates issued a disabled veteran under the
21 provisions of section 321.105, shall display the alphabetical
22 characters "DV" which shall precede the registration plate
23 number. The plates may also display a handicapped
24 identification sticker if issued to the disabled veteran by
25 the department under section ~~601E-6~~ 321L.2.

26 Sec. 6. Section 321.210, unnumbered paragraph 9, Code
27 1989, is amended to read as follows:

28 The department shall not consider or assess points for a
29 parking violation in determining a license suspension under
30 this section and a parking violation is not a moving traffic
31 violation. For purposes of this section, a "parking
32 violation" means a violation of a parking ordinance by local
33 authorities, a violation of section ~~601E-6~~ 321L.4, section
34 321.366, subsection 6, or sections 321.354 through 321.361
35 except section 321.354, subsection 1.

1 Sec. 7. Section 321.358, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 15. In front of a curb cut or ramp which
4 is located on public or private property in a manner which
5 blocks access to the curb cut or ramp.

6 Sec. 8. Section 321.484, unnumbered paragraph 2, Code
7 1989, is amended to read as follows:

8 The owner of a vehicle shall not be held responsible for a
9 violation of a provision regulating the stopping, standing, or
10 parking of a vehicle, whether the provision is contained in
11 this chapter, or chapter ~~601E~~ 321L, or an ordinance or other
12 regulation or rule, if the owner establishes that at the time
13 of the violation the vehicle was in the custody of an
14 identified person other than the owner pursuant to a lease as
15 defined in chapter 321F. The furnishing to the clerk of the
16 district court where the charge is pending of a copy of the
17 certificate of responsibility prescribed by section 321F.6
18 that was in effect for the vehicle at the time of the alleged
19 violation shall be prima facie evidence that the vehicle was
20 in the custody of an identified person other than the owner
21 within the meaning of this paragraph, and the charge against
22 the owner shall be dismissed. The clerk of the district court
23 then shall cause a uniform citation and complaint to be issued
24 against the lessee of the vehicle, and the citation shall be
25 served upon the defendant by ordinary mail directed to the
26 defendant at the address shown in the certificate of
27 responsibility.

28 Sec. 9. NEW SECTION. 321L.1 DEFINITIONS.

29 As used in this chapter, unless the context otherwise
30 requires:

31 1. "Handicapped person" means a person who, because of a
32 disability or impairment, meets either of the following:

33 a. Is unable to reasonably walk in excess of two hundred
34 feet unassisted.

35 b. Cannot walk without causing serious detriment or injury

1 to the person's health.

2 2. "Department" means the state department of
3 transportation.

4 3. "Director" means the director of transportation.

5 4. "Handicapped identification device" or "device" means
6 an identification device bearing the international symbol of
7 accessibility issued by the department, and includes a
8 handicapped registration plate issued to a handicapped person
9 under section 321.34, subsection 7, a handicapped
10 identification sticker affixed to a registration plate issued
11 to a disabled veteran under section 321.166, subsection 6, and
12 a handicapped identification hanging device which is a placard
13 for hanging from the rearview mirror when the motor vehicle is
14 parked.

15 5. "Handicapped parking space" means a parking space
16 designated for use by only motor vehicles displaying a
17 handicapped identification device that meets the requirements
18 of sections 321L.5 and 321L.6.

19 6. "Handicapped parking sign" means a sign which bears the
20 international symbol of accessibility that meets the
21 requirements under section 321L.6.

22 Sec. 10. NEW SECTION. 321L.2. HANDICAPPED IDENTIFICATION
23 DEVICES -- APPLICATION AND ISSUANCE.

24 1. A handicapped resident of the state desiring a
25 handicapped identification device shall apply to the
26 department upon an application form furnished by the
27 department providing the applicant's name, address, date of
28 birth, and social security number and shall also provide a
29 statement from a physician licensed under chapter 148, 149,
30 150, or 150A, or a chiropractor licensed under chapter 151,
31 written on the physician's or chiropractor's stationery,
32 stating the nature of the applicant's handicap and such
33 additional information as required by rules adopted by the
34 department under section 321L.8. Handicapped registration
35 plates must be ordered pursuant to section 321.34, subsection

3815-1 7. A handicapped person may apply for either one temporary or
-2 one permanent handicapped identification device. Persons who
3 seek a permanent handicapped identification device shall be
4 required to furnish evidence upon initial application that
5 they are permanently handicapped. A person who has provided
6 satisfactory evidence to the department that the person is
7 permanently handicapped shall not be required to furnish
8 evidence of being handicapped at a later date, unless the
9 department deems it necessary. Persons who seek only
10 temporary handicapped identification stickers or hanging
11 devices shall be required to furnish evidence upon initial
12 application that they are temporarily handicapped and, in
13 addition, furnish evidence at three-month intervals that they
14 remain temporarily handicapped. Temporary handicapped
15 identification stickers and hanging devices shall be of a
16 distinctively different color from permanent handicapped
17 identification stickers and hanging devices. A new
18 handicapped identification device can be issued if the
19 previously issued device is reported lost, stolen, or damaged.
20 The device reported as being lost or stolen shall be
21 invalidated by the department. A device which is damaged
22 shall be returned to the department and exchanged for a new
23 device in accordance with rules adopted by the department.

3815-24 2. Any person providing false information with the intent
25 to defraud on the application for a handicapped identification
26 device or on the physician's or chiropractor's statement used
27 in establishing proof under subsection 1 is guilty of a
28 misdemeanor, punishable by a minimum fine of one hundred
29 dollars, not to exceed five hundred dollars, or by
30 invalidation by the department of the device issued to the
31 individual, or by both a fine and invalidation.

32 3. Each handicapped identification device shall be
33 acquired by the department and sold at a cost not to exceed
34 five dollars, to handicapped persons upon application on forms
35 prescribed by the department. Before delivering a handicapped

1 identification device to a handicapped person the department
2 shall permanently affix to the device a unique number which
3 may be used by the department to identify the individual to
4 whom the device is issued. A temporary handicapped
5 identification hanging device shall have the expiration date
6 permanently affixed to the device. Expiration dates and
7 identification numbers affixed to handicapped identification
8 hanging devices shall be of sufficient size to be readable
9 from outside the vehicle.

10 A handicapped person who has been issued registration
11 plates as a seriously disabled veteran under section 321.105
12 may apply to the department for a handicapped identification
13 sticker to be affixed to the plates. The handicapped
14 identification stickers shall bear the international symbol of
15 accessibility. The handicapped identification stickers shall
16 be acquired by the department and sold at a cost not to exceed
17 five dollars, to eligible handicapped persons upon application
18 on forms prescribed by the department.

19 Sec. 11. NEW SECTION. 321L.3 HANDICAPPED IDENTIFICATION
20 DEVICES -- RETURN OF HANGING DEVICES.

21 Handicapped identification hanging devices shall be
22 returned to the department upon the occurrence of any of the
23 following:

- 24 1. The person to whom the device has been issued is
25 deceased.
- 26 2. The person to whom the device has been issued has moved
27 out of state.
- 28 3. A person has found or has in the person's possession a
29 hanging device that was not issued to that person.
- 30 4. The temporary device has expired.
- 31 5. The device has been invalidated.
- 32 6. The device reported lost or stolen under section
33 321L.2, subsection 1, is later found or retrieved after a
34 subsequent device has been issued.

35 A person who fails to return the handicapped identification

1 hanging device as stipulated above and subsequently misuses
2 the device by illegally parking in a handicapped parking space
3 is guilty of a misdemeanor and a fine of one hundred dollars
4 shall be imposed on the person.

5 Devices may be returned to the department as required by
6 this section either directly to the department or through a
7 driver license station or any law enforcement office.

8 Sec. 12. NEW SECTION. 321L.4 HANDICAPPED PARKING --
9 DISPLAY AND USE OF DEVICE.

10 1. A handicapped identification device shall be displayed
11 in a motor vehicle as a hanging device or on a motor vehicle
12 as a plate or sticker as provided in section 321L.2 when being
13 used by a handicapped person, either as an operator or
14 passenger. Each hanging device shall be of uniform design and
15 fabricated of durable material, suitable for display from
16 within the passenger compartment of a motor vehicle, and
17 readily transferable from one vehicle to another.

18 2. The use of a handicapped parking space, located on
19 either public or private property as provided in section
20 321L.5 and 321L.6, by a motor vehicle not displaying a
21 handicapped identification device; by a motor vehicle
22 displaying such a device but not being used by a handicapped
23 person, as an operator or passenger; or by a motor vehicle in
24 violation of the rules adopted by the department under section
25 321L.8, constitutes improper use of a handicapped
26 identification device which is a misdemeanor for which a fine
27 shall be imposed upon the owner, operator, or lessee of the
28 motor vehicle or the purchaser of the handicapped
29 identification device. The fine for each violation shall be
30 one hundred dollars. Proof of conviction of two or more
31 violations involving improper use of a handicapped
32 identification device is grounds for revocation by the court
33 or the department of the holder's privilege to possess or use
34 the device.

3815 35 Notwithstanding chapter 805, violations of this subsection

1 which are admitted shall be charged and collected upon a
2 simple notice of fine and no costs or other charges shall be
3 assessed. Violations which are denied shall be charged on the
4 same simple notice of fine and proceed before the court the
5 same as other traffic violations and court costs shall be
6 assessed. A uniform citation and complaint signed by the
7 charging officer may be used for the notice of fine.

8 Sec. 13. NEW SECTION. 321L.5 HANDICAPPED PARKING SPACES
9 -- LOCATION AND REQUIREMENTS.

10 1. Handicapped parking spaces and access loading zones for
11 handicapped persons that serve a particular building shall be
12 located on the shortest accessible route to the nearest
13 accessible entrance to the building.

14 2. A handicapped parking space designated after July 1,
15 1981, shall be at least one hundred forty-four inches wide,
16 or, if two or more spaces are adjacent to each other, each
17 space shall be at least one hundred twenty inches wide with at
18 least a forty-eight inch walkway between each space. However,
19 these dimension requirements do not apply to metered on-street
20 parking spaces.

21 3. The state and any political subdivision of the state
22 which provides off-street parking facilities shall provide
23 handicapped parking spaces as stipulated in the table below.
24 In addition, any nonresidential entity providing parking to
25 the general public shall provide handicapped parking spaces as
26 stipulated below:

27			<u>REQUIRED MINIMUM NUMBER OF</u>
28	<u>TOTAL PARKING SPACES IN LOT</u>		<u>HANDICAPPED PARKING SPACES</u>
29	10 to	25	1
30	26 to	50	2
31	51 to	75	3
32	76 to	100	4
33	101 to	150	5
34	151 to	200	6
35	201 to	300	7

1	301 to 400	8
2	401 to 500	9
3	501 to 1000	*
4	1001 and over	**

5 * 2 PERCENT OF TOTAL
6 ** 20 SPACES PLUS 1 FOR EACH 100 OVER 1000

7 Any other person may also set aside handicapped parking
8 spaces on the person's property provided each handicapped
9 parking space is clearly and prominently designated as a
10 handicapped parking space.

11 4. Cities which provide on-street parking areas within a
12 business district shall provide at least two handicapped
13 parking spaces per lineal block within the business district.

3815-14 5. The handicapped parking space shall be painted with a
15 blue background upon which the international symbol of
16 accessibility is painted in yellow.

17 Sec. 14. NEW SECTION. 321L.6 HANDICAPPED PARKING SIGN.
18 A handicapped parking sign shall be displayed designating
19 the handicapped parking space.

20 1. The handicapped parking sign shall have a blue
21 background and bear the international symbol of accessibility
22 in white. If an entity who owns or leases real property in a
23 city is required to provide handicapped parking spaces, the
24 city shall provide, upon request, the signs for the entity at
25 cost. If an entity who owns or leases real property outside
26 the corporate limits of a city is required to provide
27 handicapped parking spaces, the county in which the property
28 is located shall provide the signs for the entity at cost upon
29 request.

30 2. The handicapped parking sign shall be affixed
31 vertically on another object so that it is readily visible to
32 a driver of a motor vehicle approaching the handicapped
33 parking space. A handicapped parking space designated only by
34 the international symbol of accessibility being painted or
35 otherwise placed horizontally on the parking space does not

1 meet the requirements of this subsection.

2 3. The handicapped parking sign may include a sign stating
3 the fine for improperly using the handicapped parking space
4 provided under section 321L.4, subsection 2.

5 Sec. 15. NEW SECTION. 321L.7 PENALTY FOR FAILING TO
6 PROVIDE HANDICAPPED PARKING SPACES AND SIGNS.

7 Failure to provide proper handicapped parking spaces as
8 provided in section 321L.5 or to properly display handicapped
9 parking signs as provided in section 321L.6 is a misdemeanor
10 for which a fine of one hundred dollars shall be imposed for
11 each violation.

12 Sec. 16. NEW SECTION. 321L.8 HANDICAPPED IDENTIFICATION
13 DEVICES AND PARKING -- RULES.

14 1. The department, pursuant to chapter 17A, shall adopt
15 rules:

16 a. Establishing procedures for applying to the department
17 for issuance of permanent or temporary handicapped
18 identification devices under this chapter.

19 b. Governing the manner in which handicapped
20 identification devices are to be displayed in or on motor
21 vehicles.

22 c. Regarding enforcement of this chapter.

23 2. The department of public safety shall adopt rules
24 pursuant to chapter 17A governing the manner in which
25 handicapped parking spaces are provided.

26 Sec. 17. NEW SECTION. 321L.9 RECIPROCITY.

27 Handicapped identification devices issued lawfully by other
28 states and foreign governmental bodies or their political
29 subdivisions shall be valid handicapped identification devices
30 for nonresidents traveling or visiting in this state.

31 Sec. 18. NEW SECTION. 321L.10 REISSUANCE OF HANGING
32 DEVICES.

33 1. The department shall begin the issuance of new
34 handicapped identification hanging devices as provided in this

35-35 chapter beginning July 1, 1990.

3815-1 2. After July 1, 1991, only new handicapped identification
2 hanging devices issued by the department pursuant to this
3 chapter shall be valid and other hanging devices issued prior
4 to July 1, 1990, shall be invalid.

5 3. In addition to the requirements of the permanent and
6 temporary hanging devices provided under sections 321L.2 and
7 321L.4, one side of the hanging device shall also have the
8 following statement printed on it: "Unauthorized use of this
9 device as indicated in Iowa Code chapter 321L may result in a
10 fine, invalidation of the device, or revocation of the right
11 to use the device." The hanging device shall also include the
12 return address and telephone number of the department.

13 4. This section does not apply to the issuance of
14 handicapped registration plates or handicapped identification
15 stickers.

16 Sec. 19. Section 805.8, subsection 2, paragraph s, Code
3815-17 1989, is amended to read as follows:

18 s. For a violation of ~~section-601E-6~~ sections 321L.3,
19 321L.4, and 321L.7, regulating the use and provision of
20 handicapped parking spaces and handicapped identification
21 devices, the scheduled fine is twenty-five one hundred
22 dollars.

23 Sec. 20. Chapter 601E, Code 1989, is repealed.

24 Sec. 21. Except for section 7 of this Act, this Act takes
3815-25 effect July 1, 1990. Section 6 of this Act takes effect July
26 1 following the enactment of this Act.

27 EXPLANATION

28 This bill generally relates to the issuance and use of
29 handicapped identification devices and the provision and use
30 of handicapped parking spaces. However, section 7 of the bill
31 prohibits the stopping, standing, or parking of a vehicle in
32 front of a curb cut or ramp which is located on public or
33 private property in a manner which blocks access to the curb
34 cut or ramp. This section takes effect July 1 following the
35 bill's enactment and a violation of the provision has a

1 scheduled fine of five dollars.

2 The remainder of the bill takes effect July 1, 1990. The
3 bill repeals current chapter 601E on handicapped parking and
4 replaces it with a new chapter 321L. Under the new
5 provisions, handicapped identification devices may be issued
6 only to handicapped residents of Iowa.

7 The bill increases the fine for improper use of a
8 handicapped identification device or handicapped parking space
9 to one hundred dollars. The bill also provides a new schedule
10 of the minimum number of handicapped parking spaces to be
11 provided under section 13, and the section also requires
12 handicapped parking spaces to have certain dimensions except
13 for metered on-street parking spaces and that the spaces be
14 painted with a blue background upon which the international
15 symbol of accessibility is painted in yellow. Failure to
16 provide the required number of spaces, to provide spaces of
17 the proper dimension, size, or designation, or to provide the
18 proper handicapped parking sign subjects the violator to a
19 fine of one hundred dollars for each violation. The section
20 includes a mandate to provide parking spaces by the state and
21 political subdivisions of the state.

22 The bill also provides that a person providing false
23 information with the intent to defraud on the application for
24 a handicapped identification device or on the physician's or
25 chiropractor's statement used in establishing proof of the
26 handicapped condition of the applicant is a misdemeanor
27 subjecting the person to a minimum fine of one hundred dollars
28 and a maximum fine of five hundred dollars. The bill includes
29 chiropractors and podiatrists as persons who may provide a
30 statement as to the handicapped condition of an applicant.

31 The criminal violators are subject to surcharges and court
32 costs in addition to the stated fines.

33 This bill creates and internally cites new chapter 321L.

34 The bill may include a state mandate as defined in chapter
35 25B.

HOUSE FILE 745

H-3815

1 Amend House File 745 as follows:

2 1. Page 6, line 2, by inserting before the word
3 "device" the word "hanging".

4 2. Page 6, line 27, by striking the words "guilty
5 of a".

6 3. Page 6, by striking lines 28 through 31 and
7 inserting the following: "subject to a civil penalty
8 of one hundred dollars which may be imposed by the
9 department, or subject to invalidation by the
10 department of the device issued to the individual, or
11 subject to both the civil penalty and invalidation."

12 4. Page 8, line 30, by striking the words "one
13 hundred dollars" and inserting the following: "twenty
14 five dollars for the first offense, fifty dollars for
15 a second offense of this subsection by a person
16 previously convicted of violating this subsection, and
17 one hundred dollars for third and subsequent offenses
18 by a person who at least twice has been convicted of
19 violating this subsection".

20 5. By striking page 8, line 35, through page 9,
21 line 7.

22 6. Page 10, line 14, by striking the word "The"
23 and inserting the word "A".

24 7. Page 10, line 14, by inserting after the word
25 "space" the following: "located on a paved surface".

26 8. Page 10, line 16, by striking the word
27 "yellow." and inserting the following: "yellow
28 nonskid paint. As used in this subsection, "paved
29 surface" includes surfaces which are asphalt
30 surfaced."

31 9. Page 11, line 35, by striking the word "July"
32 and inserting the word "January".

33 10. Page 12, line 1, by striking the word "July"
34 and inserting the word "January".

35 11. Page 12, line 4, by striking the word "July"
36 and inserting the word "January".

37 12. Page 12, by striking lines 17 through 22 and
38 inserting the following: "1989, is amended by
39 striking the paragraph."

40 13. Page 12, line 25, by striking the word "July"
41 and inserting the word "January".

By COHOON of Des Moines

H-3815 FILED APRIL 4, 1989

Adopted 4-6-89 (P. 1291)

HOUSE FILE 745

H-3588

- 1 Amend House File 745 as follows:
2 1. Page 3, line 4, by striking the word "special"
3 and inserting the following: "~~special~~ handicapped".
4 2. Page 3, line 6, by striking the word
5 "handicapped" and inserting the following: "~~special~~
6 handicapped".
7 3. Page 3, line 13, by striking the word
8 "handicapped" and inserting the following: "~~special~~
9 handicapped".

By COHOON of Des Moines

H-3588 FILED MARCH 23, 1989

Accepted
7-6-89 (P. 1291)

HOUSE FILE 745

H-3829

- 1 Amend House File 745 as follows:
2 1. Page 8, line 30, by inserting before the word
3 "Proof" the following: "In lieu of payment of a fine
4 pursuant to this subsection, a person convicted of
5 violating this subsection may make payment to a
6 nonprofit organization providing services to
7 handicapped in the amount of the otherwise imposed
8 fine in accordance with rules adopted by the
9 department."

By HAVERLAND of Polk

H-3829 FILED APRIL 4, 1989

lost 4-6-89 (P. 1322)

HOUSE FILE 745
FISCAL NOTE

A fiscal note for HOUSE FILE 745 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 745 requires the Department of Transportation to reissue handicapped identification devices. The Department of Transportation will provide new devices, establish a system to ensure only one permit is issued per person, and track convictions of misuse of the devices.

ASSUMPTIONS:

1. Section 10 prohibits persons from possessing more than one handicapped device. Currently, handicapped persons are allowed to secure as many devices as they wish.

Computer programming changes will be made by the Department of Transportation to prevent issuance of more than one device per person. Staff costs related to implementing the programming changes, providing program access to drivers license stations around the state, and allowing law enforcement officials to access files for enforcement purposes is estimated at \$60,000

Data processing cost for system program maintenance and updates will cost approximately \$12,000 per year.

2. Section 12 allows the Department to revoke the privilege of possessing an identification device if the person is convicted of improper use of the device.

Current law contains similar provisions; however, no system has been established to track convictions in order to take revocation action. To track convictions and misuse of devices, computer programming changes will be made at an estimate \$12,500 cost in staff time.

3. Section 18 requires the Department of Transportation to begin issuance of new handicapped identification devices on July 1, 1990. Devices issued under prior law will become invalid.

Persons who currently have a handicapped identification devices will be contacted by the Department of Transportation and provided with information to renew the devices. Approximately 100,000 persons will be contacted. About 30,000 will reapply for renewal by mail and 60,000 will reapply at local drivers license stations. Postage, forms, stationary and related supplies will cost \$36,700. New devices provided to applicants will cost \$19,500.

The Department estimates an additional 1.5 FTE positions will be needed to

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adequately implement the notification and renewal process. Salaries and support items will cost \$28,200. This staff increase will only be needed during the one year period when persons re-apply for an identification device. Additional staff may be needed at drivers license stations if the issuance of new devices begins on July 1, 1990. That date coincides with the implementation of the Commercial Drivers License and with the renewal cycle associated with the six year license.

4. Handicapped parking space requirements and markings are changed for public and private buildings and facilities, used by the general public, which provide ten or more parking spaces. No estimate is available on the fiscal impact.
5. Fines of \$100 are imposed for various violations of law contained in several sections of the bill, such as, failure to return a device and subsequent misuse of the device, and failure to provided handicapped parking spaces and signs as required by law. The fine imposed for the use of a handicapped space in violation of the law is changed from a fine of \$25 to \$100. Receipts from fines are credited to the General Fund. No estimate is available on the fiscal impact.

FISCAL IMPACT:

The total one time cost estimated by the Department of Transportation to implement the proposal is \$156,900, \$84,400 to provide 1.5 FTE positions, materials, and supplies to adequately implement the notification and renewal process, and \$72,500 for data processing changes. An additional annual cost of \$12,000 will be needed for computer system maintenance and program update changes. The Department may request additional staff for drivers license station operations, since the renewal enactment date coincides with other increases in the workload expected at the stations.

New fines are established for violation of provisions related to handicapped devices and parking spaces. Receipts from fines are credited to the General Fund. No estimate is available on the fiscal impact.

Source: Department of Transportation.

(LSB 1097hv, DER)

FILED MARCH 31, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

Use. Trans.
Do pass 4-17-89 (p. 1262)

HOUSE FILE 745
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO HSB 190)

(As Amended and Passed by the House April 6, 1989)

Be Passed House, Date 5/6/89 (p. 264) Passed Senate, Date 5/6/89 (p. 2037)
Vote: Ayes 96 Nays 0 Vote: Ayes 47 Nays 1
Approved May 27, 1989

A BILL FOR

1 An Act relating to the stopping, standing, and parking of
2 vehicles including parking for handicapped persons and
3 providing penalties and effective dates.

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

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House Amendments _____
Deleted Language *

1 Section 1. Section 15.286, subsection 4, paragraph a, Code
2 1989, is amended to read as follows:

3 a. The Iowa finance authority shall develop criteria to
4 award assistance based upon the applicant's financial need,
5 the cost-benefit of the project, the accessibility to the
6 project by handicapped persons as defined in section ~~601E.1~~
7 321L.1, percent of private investment, percent leveraged by
8 other programs, assessment of local housing situation, and
9 ability to administer the program.

10 Sec. 2. Section 104A.7, unnumbered paragraphs 1 and 2,
11 Code 1989, are amended to read as follows:

12 ~~Effective-January-17-1982,-all~~ All public and private
13 buildings and facilities, temporary and permanent, used by the
14 general public, which are not residences and which provide
15 ~~forty-eight~~ ten or more parking spaces, shall set aside at
16 ~~least-six-tenths-of-one-percent-of-the-parking-spaces-provided~~
17 as handicapped parking spaces as ~~defined-in~~ required under
18 section ~~601E.1~~ 321L.5, subsection 3.

19 ~~Effective-January-17-1982,-all~~ All public and private
20 buildings and facilities, temporary and permanent, which are
21 residences excluding condominiums as defined in chapter 499B
22 and which provide ~~twelve~~ ten or more parking spaces, excluding
23 extended health care facilities, shall set aside at least one
24 handicapped parking space as defined in section ~~601E.1~~ 321L.1
25 for each individual dwelling unit in which a handicapped
26 person resides.

27 Sec. 3. Section 321.23, subsection 4, Code 1989, is
28 amended to read as follows:

29 4. A vehicle which does not meet the equipment
30 requirements of this chapter due to the particular use for
31 which it is designed or intended, may be registered by the
32 department upon payment of appropriate fees and after
33 inspection and certification by the department that the
34 vehicle is not in an unsafe condition. A person is not
35 required to have a certificate of title to register a vehicle

1 under this subsection. If the owner elects to have a
2 certificate of title issued for the vehicle, a fee of ten
3 dollars shall be paid by the person making the application
4 upon issuance of a certificate of title. If the department's
5 inspection reveals that the vehicle may be safely operated
6 only under certain conditions or on certain types of roadways,
7 the department may restrict the registration to limit
8 operation of the vehicle to the appropriate conditions or
9 roadways. This subsection does not apply to snowmobiles as
10 defined in section 321G.1. Section 321.382 does not apply to
11 a vehicle registered under this subsection which is operated
12 exclusively by a handicapped person who has obtained a ~~special~~
13 handicapped identification device as provided in section
14 ~~601E-6~~ 321L.2, if the ~~special~~ handicapped identification
15 device is carried in the vehicle and shown to a peace officer
16 on request.

17 Sec. 4. Section 321.34, subsection 7, Code 1989, is
18 amended to read as follows:

4012-19 7. HANDICAPPED PLATES. The owner of a motor vehicle
20 subject to registration pursuant to section 321.109,
21 subsection 1, light delivery truck, panel delivery truck, or
22 pickup, who is a handicapped person as defined in section
23 ~~601E-1~~ 321L.1, may, upon written application to the
24 department, order ~~special~~ handicapped registration plates
25 designed by the department bearing the international symbol of
26 accessibility. The ~~special~~ handicapped registration plates
27 shall only be issued if the application is accompanied with a
28 statement from a physician licensed under chapter 148, 149,
29 150, or 150A, or a chiropractor licensed under chapter 151,
30 written on the physician's or chiropractor's stationery,
31 stating the nature of the applicant's handicap and such
32 additional information as required by rules adopted by the
33 department. If the application is approved by the department
34 the ~~special~~ handicapped registration plates shall be issued to
35 the applicant in exchange for the previous registration plates

1 issued to the person. The fee for the special handicapped
2 plates is five dollars which is in addition to the regular
3 annual registration fee. The department shall validate the
4 special handicapped plates in the same manner as regular
5 registration plates are validated under this section at the
6 regular annual registration fee. However, the special
7 handicapped plates shall not be renewed without the applicant
8 furnishing evidence to the department that the owner of the
9 motor vehicle is still a handicapped person as defined in
392610 section ~~601E-1~~ 321L.1, unless the applicant has previously
11 provided satisfactory evidence to the department that the
12 owner of the vehicle is permanently handicapped in which case
13 the furnishing of additional evidence shall not be required
14 for renewal. The special handicapped registration plates
15 shall be surrendered in exchange for regular registration
16 plates when the owner of the motor vehicle no longer qualifies
17 as a handicapped person as defined in section ~~601E-1~~ 321L.1.

18 Sec. 5. Section 321.166, subsection 6, Code 1989, is
19 amended to read as follows:

20 6. Registration plates issued a disabled veteran under the
21 provisions of section 321.105, shall display the alphabetical
22 characters "DV" which shall precede the registration plate
23 number. The plates may also display a handicapped
24 identification sticker if issued to the disabled veteran by
25 the department under section ~~601E-6~~ 321L.2.

26 Sec. 6. Section 321.210, unnumbered paragraph 9, Code
27 1989, is amended to read as follows:

28 The department shall not consider or assess points for a
29 parking violation in determining a license suspension under
30 this section and a parking violation is not a moving traffic
31 violation. For purposes of this section, a "parking
32 violation" means a violation of a parking ordinance by local
33 authorities, a violation of section ~~601E-6~~ 321L.4, section
34 321.366, subsection 6, or sections 321.354 through 321.361
35 except section 321.354, subsection 1.

1 Sec. 7. Section 321.358, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 15. In front of a curb cut or ramp which
4 is located on public or private property in a manner which
5 blocks access to the curb cut or ramp.

6 Sec. 8. Section 321.484, unnumbered paragraph 2, Code
7 1989, is amended to read as follows:

8 The owner of a vehicle shall not be held responsible for a
9 violation of a provision regulating the stopping, standing, or
10 parking of a vehicle, whether the provision is contained in
11 this chapter, or chapter 601E 321L, or an ordinance or other
12 regulation or rule, if the owner establishes that at the time
13 of the violation the vehicle was in the custody of an
14 identified person other than the owner pursuant to a lease as
15 defined in chapter 321F. The furnishing to the clerk of the
16 district court where the charge is pending of a copy of the
17 certificate of responsibility prescribed by section 321F.6
18 that was in effect for the vehicle at the time of the alleged
19 violation shall be prima facie evidence that the vehicle was
20 in the custody of an identified person other than the owner
21 within the meaning of this paragraph, and the charge against
22 the owner shall be dismissed. The clerk of the district court
23 then shall cause a uniform citation and complaint to be issued
24 against the lessee of the vehicle, and the citation shall be
25 served upon the defendant by ordinary mail directed to the
26 defendant at the address shown in the certificate of
27 responsibility.

28 Sec. 9. NEW SECTION. 321L.1 DEFINITIONS.

29 As used in this chapter, unless the context otherwise
30 requires:

31 1. "Handicapped person" means a person who, because of a
32 disability or impairment, meets either of the following:

33 a. Is unable to reasonably walk in excess of two hundred
34 feet unassisted.

35 b. Cannot walk without causing serious detriment or injury

1 to the person's health.

2 2. "Department" means the state department of
3 transportation.

4 3. "Director" means the director of transportation.

5 4. "Handicapped identification device" or "device" means
6 an identification device bearing the international symbol of
7 accessibility issued by the department, and includes a
8 handicapped registration plate issued to a handicapped person
9 under section 321.34, subsection 7, a handicapped
10 identification sticker affixed to a registration plate issued
11 to a disabled veteran under section 321.166, subsection 6, and
12 a handicapped identification hanging device which is a placard
13 for hanging from the rearview mirror when the motor vehicle is
14 parked.

15 5. "Handicapped parking space" means a parking space
16 designated for use by only motor vehicles displaying a
17 handicapped identification device that meets the requirements
18 of sections 321L.5 and 321L.6.

19 6. "Handicapped parking sign" means a sign which bears the
20 international symbol of accessibility that meets the
21 requirements under section 321L.6.

22 Sec. 10. NEW SECTION. 321L.2. HANDICAPPED IDENTIFICATION
23 DEVICES -- APPLICATION AND ISSUANCE.

24 1. A handicapped resident of the state desiring a
25 handicapped identification device shall apply to the
26 department upon an application form furnished by the
27 department providing the applicant's name, address, date of
28 birth, and social security number and shall also provide a
29 statement from a physician licensed under chapter 148, 149,
30 150, or 150A, or a chiropractor licensed under chapter 151,
31 written on the physician's or chiropractor's stationery,
32 stating the nature of the applicant's handicap and such
33 additional information as required by rules adopted by the
34 department under section 321L.8. Handicapped registration
35 plates must be ordered pursuant to section 321.34, subsection

1 7. A handicapped person may apply for either one temporary or
2 one permanent handicapped identification hanging device.
3 Persons who seek a permanent handicapped identification device
4 shall be required to furnish evidence upon initial application
5 that they are permanently handicapped. A person who has
6 provided satisfactory evidence to the department that the
7 person is permanently handicapped shall not be required to
8 furnish evidence of being handicapped at a later date, unless
9 the department deems it necessary. Persons who seek only
10 temporary handicapped identification stickers or hanging
11 devices shall be required to furnish evidence upon initial
12 application that they are temporarily handicapped and, in
13 addition, furnish evidence at three-month intervals that they
14 remain temporarily handicapped. Temporary handicapped
15 identification stickers and hanging devices shall be of a
16 distinctively different color from permanent handicapped
17 identification stickers and hanging devices. A new
18 handicapped identification device can be issued if the
19 previously issued device is reported lost, stolen, or damaged.
20 The device reported as being lost or stolen shall be
21 invalidated by the department. A device which is damaged
22 shall be returned to the department and exchanged for a new
23 device in accordance with rules adopted by the department.

24 2. Any person providing false information with the intent
25 to defraud on the application for a handicapped identification
26 device or on the physician's or chiropractor's statement used
*27 in establishing proof under subsection 1 is subject to a civil
28 penalty of one hundred dollars which may be imposed by the
29 department, or subject to invalidation by the department of
30 the device issued to the individual, or subject to both the
31 civil penalty and invalidation.

32 3. Each handicapped identification device shall be
33 acquired by the department and sold at a cost not to exceed
34 five dollars, to handicapped persons upon application on forms
35 prescribed by the department. Before delivering a handicapped

1 identification device to a handicapped person the department
2 shall permanently affix to the device a unique number which
3 may be used by the department to identify the individual to
4 whom the device is issued. A temporary handicapped
5 identification hanging device shall have the expiration date
6 permanently affixed to the device. Expiration dates and
7 identification numbers affixed to handicapped identification
8 hanging devices shall be of sufficient size to be readable
9 from outside the vehicle.

10 A handicapped person who has been issued registration
11 plates as a seriously disabled veteran under section 321.105
12 may apply to the department for a handicapped identification
13 sticker to be affixed to the plates. The handicapped
14 identification stickers shall bear the international symbol of
15 accessibility. The handicapped identification stickers shall
16 be acquired by the department and sold at a cost not to exceed
17 five dollars, to eligible handicapped persons upon application
18 on forms prescribed by the department.

19 Sec. 11. NEW SECTION. 321L.3 HANDICAPPED IDENTIFICATION
20 DEVICES -- RETURN OF HANGING DEVICES.

21 Handicapped identification hanging devices shall be
22 returned to the department upon the occurrence of any of the
23 following:

- 24 1. The person to whom the device has been issued is
25 deceased.
- 26 2. The person to whom the device has been issued has moved
27 out of state.
- 28 3. A person has found or has in the person's possession a
29 hanging device that was not issued to that person.
- 30 4. The temporary device has expired.
- 31 5. The device has been invalidated.
- 32 6. The device reported lost or stolen under section
33 321L.2, subsection 1, is later found or retrieved after a
34 subsequent device has been issued.

35 A person who fails to return the handicapped identification

1 hanging device as stipulated above and subsequently misuses
2 the device by illegally parking in a handicapped parking space
3 is guilty of a misdemeanor and a fine of one hundred dollars
4 shall be imposed on the person.

5 Devices may be returned to the department as required by
6 this section either directly to the department or through a
7 driver license station or any law enforcement office.

8 Sec. 12. NEW SECTION. 321L.4 HANDICAPPED PARKING --
9 DISPLAY AND USE OF DEVICE.

10 1. A handicapped identification device shall be displayed
11 in a motor vehicle as a hanging device or on a motor vehicle
12 as a plate or sticker as provided in section 321L.2 when being
13 used by a handicapped person, either as an operator or
14 passenger. Each hanging device shall be of uniform design and
15 fabricated of durable material, suitable for display from
16 within the passenger compartment of a motor vehicle, and
17 readily transferable from one vehicle to another.

3043-18 2. The use of a handicapped parking space, located on
19 either public or private property as provided in section
20 321L.5 and 321L.6, by a motor vehicle not displaying a
21 handicapped identification device; by a motor vehicle
22 displaying such a device but not being used by a handicapped
23 person, as an operator or passenger; or by a motor vehicle in
24 violation of the rules adopted by the department under section
25 321L.8, constitutes improper use of a handicapped
26 identification device which is a misdemeanor for which a fine
27 shall be imposed upon the owner, operator, or lessee of the
28 motor vehicle or the purchaser of the handicapped
29 identification device. The fine for each violation shall be
30 twenty-five dollars for the first offense, fifty dollars for a
31 second offense of this subsection by a person previously
32 convicted of violating this subsection, and one hundred
33 dollars for third and subsequent offenses by a person who at
34 least twice has been convicted of violating this subsection.
35 Proof of conviction of two or more violations involving

1 improper use of a handicapped identification device is grounds
 2 for revocation by the court or the department of the holder's
 3 privilege to possess or use the device.

* 4 Sec. 13. NEW SECTION. 321L.5 HANDICAPPED PARKING SPACES
 5 -- LOCATION AND REQUIREMENTS.

6 1. Handicapped parking spaces and access loading zones for
 7 handicapped persons that serve a particular building shall be
 8 located on the shortest accessible route to the nearest
 9 accessible entrance to the building.

10 2. A handicapped parking space designated after July 1,
 11 1981, shall be at least one hundred forty-four inches wide,
 12 or, if two or more spaces are adjacent to each other, each
 13 space shall be at least one hundred twenty inches wide with at
 14 least a forty-eight inch walkway between each space. However,
 15 these dimension requirements do not apply to metered on-street
 16 parking spaces.

17 3. The state and any political subdivision of the state
 18 which provides off-street parking facilities shall provide
 19 handicapped parking spaces as stipulated in the table below.
 20 In addition, any nonresidential entity providing parking to
 21 the general public shall provide handicapped parking spaces as
 22 stipulated below:

<u>TOTAL PARKING SPACES IN LOT</u>	<u>REQUIRED MINIMUM NUMBER OF HANDICAPPED PARKING SPACES</u>
25 10 to 25	1
26 26 to 50	2
27 51 to 75	3
28 76 to 100	4
29 101 to 150	5
30 151 to 200	6
31 201 to 300	7
32 301 to 400	8
33 401 to 500	9
34 501 to 1000	*
35 1001 and over	**

1 * 2 PERCENT OF TOTAL

2 ** 20 SPACES PLUS 1 FOR EACH 100 OVER 1000

3 Any other person may also set aside handicapped parking
4 spaces on the person's property provided each handicapped
5 parking space is clearly and prominently designated as a
6 handicapped parking space.

7 4. Cities which provide on-street parking areas within a
8 business district shall provide at least two handicapped
9 parking spaces per lineal block within the business district.

10 5. A handicapped parking space located on a paved surface
11 shall be painted with a blue background upon which the
12 international symbol of accessibility is painted in yellow
13 nonskid paint. As used in this subsection, "paved surface"
14 includes surfaces which are asphalt surfaced.

15 Sec. 14. NEW SECTION. 321L.6 HANDICAPPED PARKING SIGN.

16 A handicapped parking sign shall be displayed designating
17 the handicapped parking space.

18 1. The handicapped parking sign shall have a blue
19 background and bear the international symbol of accessibility
20 in white. If an entity who owns or leases real property in a
21 city is required to provide handicapped parking spaces, the
22 city shall provide, upon request, the signs for the entity at
23 cost. If an entity who owns or leases real property outside
24 the corporate limits of a city is required to provide
25 handicapped parking spaces, the county in which the property
26 is located shall provide the signs for the entity at cost upon
27 request.

28 2. The handicapped parking sign shall be affixed
29 vertically on another object so that it is readily visible to
30 a driver of a motor vehicle approaching the handicapped
31 parking space. A handicapped parking space designated only by
32 the international symbol of accessibility being painted or
33 otherwise placed horizontally on the parking space does not
34 meet the requirements of this subsection.

35 3. The handicapped parking sign may include a sign stating

1 the fine for improperly using the handicapped parking space
2 provided under section 321L.4, subsection 2.

3 Sec. 15. NEW SECTION. 321L.7 PENALTY FOR FAILING TO
4 PROVIDE HANDICAPPED PARKING SPACES AND SIGNS.

5 Failure to provide proper handicapped parking spaces as
6 provided in section 321L.5 or to properly display handicapped
7 parking signs as provided in section 321L.6 is a misdemeanor
8 for which a fine of one hundred dollars shall be imposed for
9 each violation.

10 Sec. 16. NEW SECTION. 321L.8 HANDICAPPED IDENTIFICATION
11 DEVICES AND PARKING -- RULES.

12 1. The department, pursuant to chapter 17A, shall adopt
13 rules:

14 a. Establishing procedures for applying to the department
15 for issuance of permanent or temporary handicapped
16 identification devices under this chapter.

17 b. Governing the manner in which handicapped
18 identification devices are to be displayed in or on motor
19 vehicles.

20 c. Regarding enforcement of this chapter.

21 2. The department of public safety shall adopt rules
22 pursuant to chapter 17A governing the manner in which
23 handicapped parking spaces are provided.

24 Sec. 17. NEW SECTION. 321L.9 RECIPROCITY.

25 Handicapped identification devices issued lawfully by other
26 states and foreign governmental bodies or their political
27 subdivisions shall be valid handicapped identification devices
28 for nonresidents traveling or visiting in this state.

29 Sec. 18. NEW SECTION. 321L.10 REISSUANCE OF HANGING
30 DEVICES.

31 1. The department shall begin the issuance of new
32 handicapped identification hanging devices as provided in this
33 chapter beginning January 1, 1990.

34 2. After January 1, 1991, only new handicapped
35 identification hanging devices issued by the department

1 pursuant to this chapter shall be valid and other hanging
2 devices issued prior to January 1, 1990, shall be invalid.

3 3. In addition to the requirements of the permanent and
4 temporary hanging devices provided under sections 321L.2 and
5 321L.4, one side of the hanging device shall also have the
6 following statement printed on it: "Unauthorized use of this
7 device as indicated in Iowa Code chapter 321L may result in a
8 fine, invalidation of the device, or revocation of the right
9 to use the device." The hanging device shall also include the
10 return address and telephone number of the department.

11 4. This section does not apply to the issuance of
12 handicapped registration plates or handicapped identification
13 stickers.

14 Sec. 19. Section 805.8, subsection 2, paragraph s, Code
15 1989, is amended by striking the paragraph.

16 Sec. 20. Chapter 601E, Code 1989, is repealed.

17 Sec. 21. Except for section 7 of this Act, this Act takes
18 effect January 1, 1990. Section 6 of this Act takes effect
19 July 1 following the enactment of this Act.

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HOUSE FILE 745

S-3643

- 1 Amend House File 745 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by striking lines 30 through 34 and
- 4 inserting the following: "twenty-five dollars."
By C. JOSEPH COLEMAN

S-3643 FILED APRIL 11, 1989

Adopted 5/6 (f. 2037)

HOUSE FILE 745

S-3798

- 1 Amend House File 745 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 10, line 11, by striking the word "shall"
- 4 and inserting the following: "may".
By C. JOSEPH COLEMAN

S-3798 FILED APRIL 19, 1989

Adopted 5/6 (f. 2037)

HOUSE FILE 745

S-3926

- 1 Amend House File 745 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 10, by inserting after the figure
- 4 "321L.1" the following: "or that a dependent,
- 5 handicapped person resides in the home of the owner of
- 6 the motor vehicle".
By JACK HESTER

S-3926 FILED APRIL 26, 1989

w/d 5/6 (f. 2037)

HOUSE FILE 745

S-4012

- 1 Amend House File 745, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 28 through 30 and
- 4 inserting the following: "statement from a physician
- 5 ~~licensed-under-chapter-148, 1507-or-150A~~ as defined in
- 6 section 135.1, written on the physician's
- 7 stationery,".
- 8 2. Page 5, by striking lines 29 through 31 and
- 9 inserting the following: "statement from a physician,
- 10 as defined in section 135.1, written on the
- 11 physician's stationery,".
- 12 3. Page 6, line 26, by striking the words "or
- 13 chiropractor's".
By C. JOSEPH COLEMAN

S-4012 FILED APRIL 28, 1989

w/d 5/6 (f. 2031)

SENATE AMENDMENT TO HOUSE FILE 745

H-4477

- 1 Amend House File 745 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by striking lines 30 through 34 and
- 4 inserting the following: "twenty-five dollars."
- 5 2. Page 10, line 11, by striking the word "shall"
- 6 and inserting the following: "may".
- 7 3. By renumbering, relettering, or redesignating
- 8 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4477 FILED MAY 6, 1989
CONCURRED (p. 2647)

Colon, Chair
Brown
Spencer

HSB 190

TRANSPORTATION.

New

HOUSE FILE 745

BY (PROPOSED DEPARTMENT
OF HUMAN RIGHTS/
PERSONS WITH
DISABILITIES DIVISION
BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the stopping, standing, and parking of
2 vehicles including parking for handicapped persons and
3 providing penalties and effective dates.

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

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1 Section 1. Section 15.286, subsection 4, paragraph a, Code
2 1989, is amended to read as follows:

3 a. The Iowa finance authority shall develop criteria to
4 award assistance based upon the applicant's financial need,
5 the cost-benefit of the project, the accessibility to the
6 project by handicapped persons as defined in section ~~601E.1~~
7 321L.1, percent of private investment, percent leveraged by
8 other programs, assessment of local housing situation, and
9 ability to administer the program.

10 Sec. 2. Section 104A.7, unnumbered paragraphs 1 and 2,
11 Code 1989, are amended to read as follows:

12 ~~Effective-January-17-1982,-all~~ All public and private
13 buildings and facilities, temporary and permanent, used by the
14 general public, which are not residences and which provide
15 ~~forty-eight~~ ten or more parking spaces, shall set aside at
16 ~~least-six-tenths-of-one-percent-of-the-parking-spaces-provided~~
17 as handicapped parking spaces as ~~defined-in~~ required under
18 section ~~601E.1~~ 321L.5, subsection 3.

19 ~~Effective-January-17-1982,-all~~ All public and private
20 buildings and facilities, temporary and permanent, which are
21 residences excluding condominiums as defined in chapter 499B
22 and which provide ~~twelve~~ ten or more parking spaces, excluding
23 extended health care facilities, shall set aside at least one
24 handicapped parking space as defined in section ~~601E.1~~ 321L.1
25 for each individual dwelling unit in which a handicapped
26 person resides.

27 Sec. 3. Section 321.23, subsection 4, Code 1989, is
28 amended to read as follows:

29 4. A vehicle which does not meet the equipment
30 requirements of this chapter due to the particular use for
31 which it is designed or intended, may be registered by the
32 department upon payment of appropriate fees and after
33 inspection and certification by the department that the
34 vehicle is not in an unsafe condition. A person is not
35 required to have a certificate of title to register a vehicle

1 under this subsection. If the owner elects to have a
2 certificate of title issued for the vehicle, a fee of ten
3 dollars shall be paid by the person making the application
4 upon issuance of a certificate of title. If the department's
5 inspection reveals that the vehicle may be safely operated
6 only under certain conditions or on certain types of roadways,
7 the department may restrict the registration to limit
8 operation of the vehicle to the appropriate conditions or
9 roadways. This subsection does not apply to snowmobiles as
10 defined in section 321G.1. Section 321.382 does not apply to
11 a vehicle registered under this subsection which is operated
12 exclusively by a handicapped person who has obtained a ~~special~~
13 handicapped identification device as provided in section
14 ~~601E-6~~ 321L.2, if the ~~special~~ handicapped identification
15 device is carried in the vehicle and shown to a peace officer
16 on request.

17 Sec. 4. Section 321.34, subsection 7, Code 1989, is
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19 7. HANDICAPPED PLATES. The owner of a motor vehicle
20 subject to registration pursuant to section 321.109,
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22 pickup, who is a handicapped person as defined in section
23 ~~601E-7~~ 321L.1, may, upon written application to the
24 department, order ~~special~~ handicapped registration plates
25 designed by the department bearing the international symbol of
26 accessibility. The ~~special~~ handicapped registration plates
27 shall only be issued if the application is accompanied with a
28 statement from a physician licensed under chapter 148, 149,
29 150, or 150A, or a chiropractor licensed under chapter 151,
30 written on the physician's or chiropractor's stationery,
31 stating the nature of the applicant's handicap and such
32 additional information as required by rules adopted by the
33 department. If the application is approved by the department
34 the ~~special~~ handicapped registration plates shall be issued to
35 the applicant in exchange for the previous registration plates

1 issued to the person. The fee for the ~~special~~ handicapped
2 plates is five dollars which is in addition to the regular
3 annual registration fee. The department shall validate the
4 special plates in the same manner as regular registration
5 plates are validated under this section at the regular annual
6 registration fee. However, the handicapped plates shall not
7 be renewed without the applicant furnishing evidence to the
8 department that the owner of the motor vehicle is still a
9 handicapped person as defined in section ~~60±E-±~~ 321L.1, unless
10 the applicant has previously provided satisfactory evidence to
11 the department that the owner of the vehicle is permanently
12 handicapped in which case the furnishing of additional
13 evidence shall not be required for renewal. The handicapped
14 registration plates shall be surrendered in exchange for
15 regular registration plates when the owner of the motor
16 vehicle no longer qualifies as a handicapped person as defined
17 in section ~~60±E-±~~ 321L.1.

18 Sec. 5. Section 321.166, subsection 6, Code 1989, is
19 amended to read as follows:

20 6. Registration plates issued a disabled veteran under the
21 provisions of section 321.105, shall display the alphabetical
22 characters "DV" which shall precede the registration plate
23 number. The plates may also display a handicapped
24 identification sticker if issued to the disabled veteran by
25 the department under section ~~60±E-6~~ 321L.2.

26 Sec. 6. Section 321.210, unnumbered paragraph 9, Code
27 1989, is amended to read as follows:

28 The department shall not consider or assess points for a
29 parking violation in determining a license suspension under
30 this section and a parking violation is not a moving traffic
31 violation. For purposes of this section, a "parking
32 violation" means a violation of a parking ordinance by local
33 authorities, a violation of section ~~60±E-6~~ 321L.4, section
34 321.366, subsection 6, or sections 321.354 through 321.361
35 except section 321.354, subsection 1.

1 Sec. 7. Section 321.358, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 15. In front of a curb cut or ramp which
4 is located on public or private property in a manner which
5 blocks access to the curb cut or ramp.

6 Sec. 8. Section 321.484, unnumbered paragraph 2, Code
7 1989, is amended to read as follows:

8 The owner of a vehicle shall not be held responsible for a
9 violation of a provision regulating the stopping, standing, or
10 parking of a vehicle, whether the provision is contained in
11 this chapter, or chapter 60~~1E~~ 321L, or an ordinance or other
12 regulation or rule, if the owner establishes that at the time
13 of the violation the vehicle was in the custody of an
14 identified person other than the owner pursuant to a lease as
15 defined in chapter 321F. The furnishing to the clerk of the
16 district court where the charge is pending of a copy of the
17 certificate of responsibility prescribed by section 321F.6
18 that was in effect for the vehicle at the time of the alleged
19 violation shall be prima facie evidence that the vehicle was
20 in the custody of an identified person other than the owner
21 within the meaning of this paragraph, and the charge against
22 the owner shall be dismissed. The clerk of the district court
23 then shall cause a uniform citation and complaint to be issued
24 against the lessee of the vehicle, and the citation shall be
25 served upon the defendant by ordinary mail directed to the
26 defendant at the address shown in the certificate of
27 responsibility.

28 Sec. 9. NEW SECTION. 321L.1 DEFINITIONS.

29 As used in this chapter, unless the context otherwise
30 requires:

31 1. "Handicapped person" means a person who, because of a
32 disability or impairment, meets either of the following:

33 a. Is unable to reasonably walk in excess of two hundred
34 feet unassisted.

35 b. Cannot walk without causing serious detriment or injury

1 to the person's health.

2 2. "Department" means the state department of
3 transportation.

4 3. "Director" means the director of transportation.

5 4. "Handicapped identification device" or "device" means
6 an identification device bearing the international symbol of
7 accessibility issued by the department, and includes a
8 handicapped registration plate issued to a handicapped person
9 under section 321.34, subsection 7, a handicapped
10 identification sticker affixed to a registration plate issued
11 to a disabled veteran under section 321.166, subsection 6, and
12 a handicapped identification hanging device which is a placard
13 for hanging from the rearview mirror when the motor vehicle is
14 parked.

15 5. "Handicapped parking space" means a parking space
16 designated for use by only motor vehicles displaying a
17 handicapped identification device that meets the requirements
18 of sections 321L.5 and 321L.6.

19 6. "Handicapped parking sign" means a sign which bears the
20 international symbol of accessibility that meets the
21 requirements under section 321L.6.

22 Sec. 10. NEW SECTION. 321L.2. HANDICAPPED IDENTIFICATION
23 DEVICES -- APPLICATION AND ISSUANCE.

24 1. A handicapped resident of the state desiring a
25 handicapped identification device shall apply to the
26 department upon an application form furnished by the
27 department providing the applicant's name, address, date of
28 birth, and social security number and shall also provide a
29 statement from a physician licensed under chapter 148, 149,
30 150, or 150A, or a chiropractor licensed under chapter 151,
31 written on the physician's or chiropractor's stationery,
32 stating the nature of the applicant's handicap and such
33 additional information as required by rules adopted by the
34 department under section 321L.8. Handicapped registration
35 plates must be ordered pursuant to section 321.34, subsection

1 7. A handicapped person may apply for either one temporary or
2 one permanent handicapped identification device. Persons who
3 seek a permanent handicapped identification device shall be
4 required to furnish evidence upon initial application that
5 they are permanently handicapped. A person who has provided
6 satisfactory evidence to the department that the person is
7 permanently handicapped shall not be required to furnish
8 evidence of being handicapped at a later date, unless the
9 department deems it necessary. Persons who seek only
10 temporary handicapped identification stickers or hanging
11 devices shall be required to furnish evidence upon initial
12 application that they are temporarily handicapped and, in
13 addition, furnish evidence at three-month intervals that they
14 remain temporarily handicapped. Temporary handicapped
15 identification stickers and hanging devices shall be of a
16 distinctively different color from permanent handicapped
17 identification stickers and hanging devices. A new
18 handicapped identification device can be issued if the
19 previously issued device is reported lost, stolen, or damaged.
20 The device reported as being lost or stolen shall be
21 invalidated by the department. A device which is damaged
22 shall be returned to the department and exchanged for a new
23 device in accordance with rules adopted by the department.

24 2. Any person providing false information with the intent
25 to defraud on the application for a handicapped identification
26 device or on the physician's or chiropractor's statement used
27 in establishing proof under subsection 1 is guilty of a
28 misdemeanor, punishable by a minimum fine of one hundred
29 dollars, not to exceed five hundred dollars, or by
30 invalidation by the department of the device issued to the
31 individual, or by both a fine and invalidation.

32 3. Each handicapped identification device shall be
33 acquired by the department and sold at a cost not to exceed
34 five dollars, to handicapped persons upon application on forms
35 prescribed by the department. Before delivering a handicapped

1 identification device to a handicapped person the department
2 shall permanently affix to the device a unique number which
3 may be used by the department to identify the individual to
4 whom the device is issued. A temporary handicapped
5 identification hanging device shall have the expiration date
6 permanently affixed to the device. Expiration dates and
7 identification numbers affixed to handicapped identification
8 hanging devices shall be of sufficient size to be readable
9 from outside the vehicle.

10 A handicapped person who has been issued registration
11 plates as a seriously disabled veteran under section 321.105
12 may apply to the department for a handicapped identification
13 sticker to be affixed to the plates. The handicapped
14 identification stickers shall bear the international symbol of
15 accessibility. The handicapped identification stickers shall
16 be acquired by the department and sold at a cost not to exceed
17 five dollars, to eligible handicapped persons upon application
18 on forms prescribed by the department.

19 Sec. 11. NEW SECTION. 321L.3 HANDICAPPED IDENTIFICATION
20 DEVICES -- RETURN OF HANGING DEVICES.

21 Handicapped identification hanging devices shall be
22 returned to the department upon the occurrence of any of the
23 following:

24 1. The person to whom the device has been issued is
25 deceased.

26 2. The person to whom the device has been issued has moved
27 out of state.

28 3. A person has found or has in the person's possession a
29 hanging device that was not issued to that person.

30 4. The temporary device has expired.

31 5. The device has been invalidated.

32 6. The device reported lost or stolen under section
33 321L.2, subsection 1, is later found or retrieved after a
34 subsequent device has been issued.

35 A person who fails to return the handicapped identification

1 hanging device as stipulated above and subsequently misuses
2 the device by illegally parking in a handicapped parking space
3 is guilty of a misdemeanor and a fine of one hundred dollars
4 shall be imposed on the person.

5 Devices may be returned to the department as required by
6 this section either directly to the department or through a
7 driver license station or any law enforcement office.

8 Sec. 12. NEW SECTION. 321L.4 HANDICAPPED PARKING --
9 DISPLAY AND USE OF DEVICE.

10 1. A handicapped identification device shall be displayed
11 in a motor vehicle as a hanging device or on a motor vehicle
12 as a plate or sticker as provided in section 321L.2 when being
13 used by a handicapped person, either as an operator or
14 passenger. Each hanging device shall be of uniform design and
15 fabricated of durable material, suitable for display from
16 within the passenger compartment of a motor vehicle, and
17 readily transferable from one vehicle to another.

18 2. The use of a handicapped parking space, located on
19 either public or private property as provided in section
20 321L.5 and 321L.6, by a motor vehicle not displaying a
21 handicapped identification device; by a motor vehicle
22 displaying such a device but not being used by a handicapped
23 person, as an operator or passenger; or by a motor vehicle in
24 violation of the rules adopted by the department under section
25 321L.8, constitutes improper use of a handicapped
26 identification device which is a misdemeanor for which a fine
27 shall be imposed upon the owner, operator, or lessee of the
28 motor vehicle or the purchaser of the handicapped
29 identification device. The fine for each violation shall be
30 one hundred dollars. Proof of conviction of two or more
31 violations involving improper use of a handicapped
32 identification device is grounds for revocation by the court
33 or the department of the holder's privilege to possess or use
34 the device.

35 Notwithstanding chapter 805, violations of this subsection

1 which are admitted shall be charged and collected upon a
2 simple notice of fine and no costs or other charges shall be
3 assessed. Violations which are denied shall be charged on the
4 same simple notice of fine and proceed before the court the
5 same as other traffic violations and court costs shall be
6 assessed. A uniform citation and complaint signed by the
7 charging officer may be used for the notice of fine.

8 Sec. 13. NEW SECTION. 321L.5 HANDICAPPED PARKING SPACES
9 -- LOCATION AND REQUIREMENTS.

10 1. Handicapped parking spaces and access loading zones for
11 handicapped persons that serve a particular building shall be
12 located on the shortest accessible route to the nearest
13 accessible entrance to the building.

14 2. A handicapped parking space designated after July 1,
15 1981, shall be at least one hundred forty-four inches wide,
16 or, if two or more spaces are adjacent to each other, each
17 space shall be at least one hundred twenty inches wide with at
18 least a forty-eight inch walkway between each space. However,
19 these dimension requirements do not apply to metered on-street
20 parking spaces.

21 3. The state and any political subdivision of the state
22 which provides on-street parking areas or off-street parking
23 facilities shall provide handicapped parking spaces as
24 stipulated in the table below. In addition, any
25 nonresidential entity providing parking to the general public
26 shall provide handicapped parking spaces as stipulated below:

27			<u>REQUIRED MINIMUM NUMBER OF</u>
28	<u>TOTAL PARKING SPACES IN LOT</u>		<u>HANDICAPPED PARKING SPACES</u>
29	10 to	25	1
30	26 to	50	2
31	51 to	75	3
32	76 to	100	4
33	101 to	150	5
34	151 to	200	6
35	201 to	300	7

1	301 to	400	8
2	401 to	500	9
3	501 to	1000	*
4	1001 and over		**

5 * 2 PERCENT OF TOTAL
 6 ** 20 SPACES PLUS 1 FOR EACH 100 OVER 1000

7 Any other person may also set aside handicapped parking
 8 spaces on the person's property provided each handicapped
 9 parking space is clearly and prominently designated as a
 10 handicapped parking space.

11 Sec. 14. NEW SECTION. 321L.6 HANDICAPPED PARKING SIGN.

12 A handicapped parking sign shall be displayed designating
 13 the handicapped parking space.

14 1. The handicapped parking sign shall have a blue
 15 background and bear the international symbol of accessibility
 16 in white. If an entity who owns or leases real property in a
 17 city is required to provide handicapped parking spaces, the
 18 city shall provide, upon request, the signs for the entity at
 19 cost. If an entity who owns or leases real property outside
 20 the corporate limits of a city is required to provide
 21 handicapped parking spaces, the county in which the property
 22 is located shall provide the signs for the entity at cost.

23 2. The handicapped parking sign shall be affixed
 24 vertically on another object so that it is readily visible to
 25 a driver of a motor vehicle approaching the handicapped
 26 parking space. A handicapped parking space designated only by
 27 the international symbol of accessibility being painted or
 28 otherwise placed horizontally on the parking space does not
 29 meet the requirements of this subsection.

30 3. The handicapped parking sign may include a sign stating
 31 the fine for improperly using the handicapped parking space
 32 provided under section 321L.4, subsection 2.

33 Sec. 15. NEW SECTION. 321L.7 PENALTY FOR FAILING TO
 34 PROVIDE HANDICAPPED PARKING SPACES AND SIGNS.

35 Failure to provide proper handicapped parking spaces as

1 provided in section 321L.5 or to properly display handicapped
2 parking signs as provided in section 321L.6 is a misdemeanor
3 for which a fine of one hundred dollars shall be imposed for
4 each violation.

5 Sec. 16. NEW SECTION. 321L.8 HANDICAPPED IDENTIFICATION
6 DEVICES AND PARKING -- RULES.

7 1. The department, pursuant to chapter 17A, shall adopt
8 rules:

9 a. Establishing procedures for applying to the department
10 for issuance of permanent or temporary handicapped
11 identification devices under this chapter.

12 b. Governing the manner in which handicapped
13 identification devices are to be displayed in or on motor
14 vehicles.

15 c. Regarding enforcement of this chapter.

16 2. The department of public safety shall adopt rules
17 pursuant to chapter 17A governing the manner in which
18 handicapped parking spaces are provided.

19 Sec. 17. NEW SECTION. 321L.9 RECIPROCITY.

20 Handicapped identification devices issued lawfully by other
21 states and foreign governmental bodies or their political
22 subdivisions shall be valid handicapped identification devices
23 for nonresidents traveling or visiting in this state.

24 Sec. 18. NEW SECTION. 321L.10 REISSUANCE OF HANGING
25 DEVICES.

26 1. The department shall begin the issuance of new
27 handicapped identification hanging devices as provided in this
28 chapter beginning July 1, 1990.

29 2. After July 1, 1991, only new handicapped identification
30 hanging devices issued by the department pursuant to this
31 chapter shall be valid and other hanging devices issued prior
32 to July 1, 1990, shall be invalid.

33 3. In addition to the requirements of the permanent and
34 temporary hanging devices provided under sections 321L.2 and
35 321L.4, one side of the hanging device shall also have the

1 following statement printed on it: "Unauthorized use of this
2 device as indicated in Iowa Code chapter 321L may result in a
3 fine, invalidation of the device, or revocation of the right
4 to use the device." The hanging device shall also include the
5 return address and telephone number of the department.

6 4. This section does not apply to the issuance of
7 handicapped registration plates or handicapped identification
8 stickers.

9 Sec. 19. Section 805.8, subsection 2, paragraph s, Code
10 1989, is amended to read as follows:

11 s. For a violation of ~~section-601E-6~~ sections 321L.3,
12 321L.4, and 321L.7, regulating the use and provision of
13 handicapped parking spaces and handicapped identification
14 devices, the scheduled fine is twenty-five one hundred
15 dollars.

16 Sec. 20. Chapter 601E, Code 1989, is repealed.

17 Sec. 21. Except for section 7 of this Act, this Act takes
18 effect July 1, 1990. Section 6 of this Act takes effect July
19 1 following the enactment of this Act.

20 EXPLANATION

21 This bill generally relates to the issuance and use of
22 handicapped identification devices and the provision and use
23 of handicapped parking spaces. However, section 7 of the bill
24 prohibits the stopping, standing, or parking of a vehicle in
25 front of a curb cut or ramp which is located on public or
26 private property in a manner which blocks access to the curb
27 cut or ramp. This section takes effect July 1 following the
28 bill's enactment and a violation of the provision has a
29 scheduled fine of five dollars.

30 The remainder of the bill takes effect July 1, 1990. The
31 bill repeals current chapter 601E on handicapped parking and
32 replaces it with a new chapter 321L. Under the new
33 provisions, handicapped identification devices may be issued
34 only to handicapped residents of Iowa.

35 The bill increases the fine for improper use of a

1 handicapped identification device or handicapped parking space
2 to one hundred dollars. The bill also provides a new schedule
3 of the minimum number of handicapped parking spaces to be
4 provided under section 13 and failure to provide the required
5 number of spaces or to provide the proper handicapped parking
6 sign subjects the violator to a fine of one hundred dollars
7 for each violation. The section includes a mandate to provide
8 parking spaces by the state and political subdivisions of the
9 state.

10 The bill also provides that a person providing false
11 information with the intent to defraud on the application for
12 a handicapped identification device or on the physician's or
13 chiropractor's statement used in establishing proof of the
14 handicapped condition of the applicant is a misdemeanor
15 subjecting the person to a minimum fine of one hundred dollars
16 and a maximum fine of five hundred dollars. The bill includes
17 chiropractors and podiatrists as persons who may provide a
18 statement as to the handicapped condition of an applicant.

19 The criminal violators are subject to surcharges and court
20 costs in addition to the stated fines.

21 This bill creates and internally cites new chapter 321L.

22 The bill may include a state mandate as defined in chapter
23 25B.

24 BACKGROUND STATEMENT

25 SUBMITTED BY THE AGENCY

26 After numerous meetings of the Handicapped Parking Task
27 Force committee members and other interested persons, a
28 consensus was reached by the committee members present at the
29 last meeting.

30 Consideration of the comments made by members of the
31 handicapped community seem to point to the following areas of
32 concern:

33 1. It is too easy for ineligible persons to secure
34 statements of eligibility from a physician.

35 2. Too many ineligible persons have handicapped parking

1 devices in their possession.

2 3. There is not enough teeth for enforcement in the
3 provisions of the current Code.

4 The attached Code revision addresses item 1 by revising the
5 definition of a handicapped person to limit availability of
6 handicapped parking devices to those persons who cannot walk,
7 or would be adversely affected by walking, in excess of 200
8 feet. (This distance is used as a standard in numerous
9 instances.) Also penalties are provided for false statements
10 by either the person applying or the physician making a
11 certification of handicapping condition. It is hoped that
12 this will cause the physician to carefully consider the
13 limitations in walking of the applicant before making a
14 certification.

15 Handicapped persons are now allowed to secure as many
16 handicapped devices as they wish. Also many devices belonging
17 to deceased persons are still in someone's possession. The
18 Department of Transportation feels that they can adequately
19 solve this problem by making these extra devices illegal and
20 providing access for law enforcement agencies to a list of the
21 numbers of the invalid devices. It appears, however, that to
22 make this result in adequate enforcement, law enforcement
23 officers would have to look at every handicapped device each
24 time they see one and then check it against the list of
25 invalid device numbers. It does not seem likely that this
26 will occur; therefore, to adequately address the problem in
27 item 2, the Code revision requires a one-time reapplication by
28 all eligible persons coupled with the issuance of a different
29 appearing device. Only one device would be allowed for each
30 handicapped person. All current devices could then instantly
31 be recognized as being invalid. This reapplication would also
32 eliminate those persons who would no longer be eligible under
33 the revised definition of a handicapped person. Under the
34 revisions, devices would be issued only to the handicapped
35 person and not to those providing the transportation.

1 Hopefully, this would help assure that the device is used only
2 by or for the handicapped person.

3 To address the concern in item 3, wherever there is a
4 provision in the Code that is subject to violation a penalty
5 has been included and the extent of the penalty has been made
6 a substantial amount. It is hoped that this will give the law
7 enforcement agencies adequate means and incentive to fully
8 enforce the provisions of the Code and hopefully be a
9 deterrent from the misuse of the device.

10 While these are the major areas that have been addressed,
11 you will note other changes such as the removal of the little-
12 used sections pertaining to the distress flag and a change
13 from the six-tenths of one percent provision on the parking
14 spaces to an easier-to-use table of parking space
15 requirements.

16 It is now the wish and hope of the committee that this
17 revised Code of Iowa (proposed legislation) be disseminated to
18 the local committees and to other interested groups of
19 handicapped individuals for their reactions.

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HOUSE FILE 745

AN ACT

RELATING TO THE STOPPING, STANDING, AND PARKING OF VEHICLES
INCLUDING PARKING FOR HANDICAPPED PERSONS AND PROVIDING
PENALTIES AND EFFECTIVE DATES.

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

Section 1. Section 15.286, subsection 4, paragraph a, Code 1989, is amended to read as follows:

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 as defined in section ~~601E:1~~ 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 104A.7, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

~~Effective January 17, 1987, all~~ All public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide ~~forty-eight ten~~ ten or more parking spaces, shall set aside ~~at least six-tenths of one percent of the parking spaces provided~~ as handicapped parking spaces as defined in required under section ~~601E:1~~ 321L.5, subsection 3.

~~Effective January 17, 1987, all~~ All public and private buildings and facilities, temporary and permanent, which are residences excluding condominiums as defined in chapter 499B

and which provide ~~twelve ten~~ ten or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space as defined in section ~~601E:1~~ 321L.1 for each individual dwelling unit in which a handicapped person resides.

Sec. 3. Section 321.23, subsection 4, Code 1989, 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 who has obtained a ~~special~~ handicapped identification device as provided in section ~~601E:6~~ 321L.2, if the ~~special~~ handicapped identification device is carried in the vehicle and shown to a peace officer on request.

Sec. 4. Section 321.34, subsection 7, Code 1989, is amended to read as follows:

7. HANDICAPPED PLATES. The owner of a motor vehicle subject to registration pursuant to section 321.109,

subsection 1, light delivery truck, panel delivery truck, or pickup, who is a handicapped person as defined in section 601E-1 321L.1, may, upon written application to the department, order special handicapped registration plates designed by the department bearing the international symbol of accessibility. The special handicapped registration plates 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 handicap and such additional information as required by rules adopted by the department. If the application is approved by the department the special handicapped registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The fee for the special handicapped plates is five dollars which is in addition to the regular annual registration fee. The department shall validate the special handicapped plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the special handicapped plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle is still a handicapped person as defined in section 601E-1 321L.1, unless the applicant has previously provided satisfactory evidence to the department that the owner of the vehicle is permanently handicapped in which case the furnishing of additional evidence shall not be required for renewal. The special handicapped registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle no longer qualifies as a handicapped person as defined in section 601E-1 321L.1.

Sec. 5. Section 321.166, subsection 6, Code 1989, 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 identification sticker if issued to the disabled veteran by the department under section 601E-6 321L.2.

Sec. 6. Section 321.210, unnumbered paragraph 9, Code 1989, is amended to read as follows:

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 321L.4, section 321.366, subsection 6, or sections 321.354 through 321.361 except section 321.354, subsection 1.

Sec. 7. Section 321.358, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 15. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

Sec. 8. Section 321.484, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 601E 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F. The furnishing to the clerk of the district court where the charge is pending of a copy of the certificate of responsibility prescribed by section 321F.6 that was in effect for the vehicle at the time of the alleged

violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph, and the charge against the owner shall be dismissed. The clerk of the district court then shall cause a uniform citation and complaint to be issued against the lessee of the vehicle, and the citation shall be served upon the defendant by ordinary mail directed to the defendant at the address shown in the certificate of responsibility.

Sec. 9. NEW SECTION. 321L.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Handicapped person" means a person who, because of a disability or impairment, meets either of the following:
 - a. Is unable to reasonably walk in excess of two hundred feet unassisted.
 - b. Cannot walk without causing serious detriment or injury to the person's health.
2. "Department" means the state department of transportation.
3. "Director" means the director of transportation.
4. "Handicapped identification device" or "device" means an identification device bearing the international symbol of accessibility issued by the department, and includes a handicapped registration plate issued to a handicapped person under section 321.34, subsection 7, a handicapped identification sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, and a handicapped identification hanging device which is a placard for hanging from the rearview mirror when the motor vehicle is parked.
5. "Handicapped parking space" means a parking space designated for use by only motor vehicles displaying a handicapped identification device that meets the requirements of sections 321L.5 and 321L.6.

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

Sec. 10. NEW SECTION. 321L.2 HANDICAPPED IDENTIFICATION DEVICES -- APPLICATION AND ISSUANCE.

1. A handicapped resident of the state desiring a handicapped identification device 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, written on the physician's or chiropractor's stationery, stating the nature of the applicant's handicap and such additional information as required by rules adopted by the department under section 321L.8. Handicapped registration plates must be ordered pursuant to section 321.34, subsection 7. A handicapped person may apply for either one temporary or one permanent handicapped identification hanging device. Persons who seek a permanent handicapped identification device shall be required to furnish evidence upon initial application that they are permanently handicapped. A person who has provided satisfactory evidence to the department that the person is permanently handicapped shall not be required to furnish evidence of being handicapped at a later date, unless the department deems it necessary. Persons who seek only temporary handicapped identification stickers or hanging devices shall be required to furnish evidence upon initial application that they are temporarily handicapped and, in addition, furnish evidence at three-month intervals that they remain temporarily handicapped. Temporary handicapped identification stickers and hanging devices shall be of a distinctively different color from permanent handicapped identification stickers and hanging devices. A new

handicapped identification device can be issued if the previously issued device is reported lost, stolen, or damaged. The device reported as being lost or stolen shall be invalidated by the department. A device which is damaged shall be returned to the department and exchanged for a new device in accordance with rules adopted by the department.

2. Any person providing false information with the intent to defraud on the application for a handicapped identification device or on the physician's or chiropractor's statement used in establishing proof under subsection 1 is subject to a civil penalty of one hundred dollars which may be imposed by the department, or subject to invalidation by the department of the device issued to the individual, or subject to both the civil penalty and invalidation.

3. Each handicapped identification device shall be acquired by the department and sold at a cost not to exceed five dollars, to handicapped persons upon application on forms prescribed by the department. Before delivering a handicapped identification device to a handicapped person the department shall permanently affix to the device a unique number which may be used by the department to identify the individual to whom the device is issued. A temporary handicapped identification hanging device shall have the expiration date permanently affixed to the device. Expiration dates and identification numbers affixed to handicapped identification hanging devices shall be of sufficient size to be readable from outside the vehicle.

A handicapped person who has been issued registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped identification sticker to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by the department and sold at a cost not to exceed

five dollars, to eligible handicapped persons upon application on forms prescribed by the department.

Sec. 11. NEW SECTION. 321L.3 HANDICAPPED IDENTIFICATION DEVICES -- RETURN OF HANGING DEVICES.

Handicapped identification hanging devices shall be returned to the department upon the occurrence of any of the following:

1. The person to whom the device has been issued is deceased.
2. The person to whom the device has been issued has moved out of state.
3. A person has found or has in the person's possession a hanging device that was not issued to that person.
4. The temporary device has expired.
5. The device has been invalidated.
6. The device reported lost or stolen under section 321L.2, subsection 1, is later found or retrieved after a subsequent device has been issued.

A person who fails to return the handicapped identification hanging device as stipulated above and subsequently misuses the device by illegally parking in a handicapped parking space is guilty of a misdemeanor and a fine of one hundred dollars shall be imposed on the person.

Devices may be returned to the department as required by this section either directly to the department or through a driver license station or any law enforcement office.

Sec. 12. NEW SECTION. 321L.4 HANDICAPPED PARKING -- DISPLAY AND USE OF DEVICE.

1. A handicapped identification device shall be displayed in a motor vehicle as a hanging device or on a motor vehicle as a plate or sticker as provided in section 321L.2 when being used by a handicapped person, either as an operator or passenger. Each hanging device shall be of uniform design and fabricated of durable material, suitable for display from

within the passenger compartment of a motor vehicle, and readily transferable from one vehicle to another.

2. The use of a handicapped parking space, located on either public or private property as provided in sections 321L.5 and 321L.6, by a motor vehicle not displaying a handicapped identification device; by a motor vehicle displaying such a device but not being used by a handicapped person, as an operator or passenger; or by a motor vehicle in violation of the rules adopted by the department under section 321L.8, constitutes improper use of a handicapped identification device which is a misdemeanor for which a fine shall be imposed upon the owner, operator, or lessee of the motor vehicle or the purchaser of the handicapped identification device. The fine for each violation shall be twenty-five dollars. Proof of conviction of two or more violations involving improper use of a handicapped identification device is grounds for revocation by the court or the department of the holder's privilege to possess or use the device.

Sec. 13. NEW SECTION. 321L.5 HANDICAPPED PARKING SPACES -- LOCATION AND REQUIREMENTS.

1. Handicapped parking spaces and access loading zones for handicapped persons that serve a particular building shall be located on the shortest accessible route to the nearest accessible entrance to the building.

2. A handicapped parking space designated after July 1, 1981, shall be at least one hundred forty-four inches wide, or, if two or more spaces are adjacent to each other, each space shall be at least one hundred twenty inches wide with at least a forty-eight inch walkway between each space. However, these dimension requirements do not apply to metered on-street parking spaces.

3. The state and any political subdivision of the state which provides off-street parking facilities shall provide

handicapped parking spaces as stipulated in the table below. In addition, any nonresidential entity providing parking to the general public shall provide handicapped parking spaces as stipulated below:

<u>TOTAL PARKING SPACES IN LOT</u>	<u>REQUIRED MINIMUM NUMBER OF HANDICAPPED PARKING SPACES</u>
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	*
1001 and over	**

* 2 PERCENT OF TOTAL

** 20 SPACES PLUS 1 FOR EACH 100 OVER 1000

Any other person may also set aside handicapped parking spaces on the person's property provided each handicapped parking space is clearly and prominently designated as a handicapped parking space.

4. Cities which provide on-street parking areas within a business district shall provide at least two handicapped parking spaces per lineal block within the business district.

5. A handicapped parking space located on a paved surface may be painted with a blue background upon which the international symbol of accessibility is painted in yellow nonskid paint. As used in this subsection, "paved surface" includes surfaces which are asphalt surfaced.

Sec. 14. NEW SECTION. 321L.6 HANDICAPPED PARKING SIGN.

A handicapped parking sign shall be displayed designating the handicapped parking space.

1. The handicapped parking sign shall have a blue background and bear the international symbol of accessibility in white. If an entity who owns or leases real property in a city is required to provide handicapped parking spaces, the city shall provide, upon request, the signs for the entity at cost. If an entity who owns or leases real property outside the corporate limits of a city is required to provide handicapped parking spaces, the county in which the property is located shall provide the signs for the entity at cost upon request.

2. The handicapped parking sign shall be affixed vertically on another object so that it is readily visible to a driver of a motor vehicle approaching the handicapped parking space. A handicapped parking space designated only by the international symbol of accessibility being painted or otherwise placed horizontally on the parking space does not meet the requirements of this subsection.

3. The handicapped parking sign may include a sign stating the fine for improperly using the handicapped parking space provided under section 321L.4, subsection 2.

Sec. 15. NEW SECTION. 321L.7 PENALTY FOR FAILING TO PROVIDE HANDICAPPED PARKING SPACES AND SIGNS.

Failure to provide proper handicapped parking spaces as provided in section 321L.5 or to properly display handicapped parking signs as provided in section 321L.6 is a misdemeanor for which a fine of one hundred dollars shall be imposed for each violation.

Sec. 16. NEW SECTION. 321L.8 HANDICAPPED IDENTIFICATION DEVICES AND PARKING -- RULES.

1. The department, pursuant to chapter 17A, shall adopt rules:

a. Establishing procedures for applying to the department for issuance of permanent or temporary handicapped identification devices under this chapter.

b. Governing the manner in which handicapped identification devices are to be displayed in or on motor vehicles.

c. Regarding enforcement of this chapter.

2. The department of public safety shall adopt rules pursuant to chapter 17A governing the manner in which handicapped parking spaces are provided.

Sec. 17. NEW SECTION. 321L.9 RECIPROCITY.

Handicapped identification devices issued lawfully by other states and foreign governmental bodies or their political subdivisions shall be valid handicapped identification devices for nonresidents traveling or visiting in this state.

Sec. 18. NEW SECTION. 321L.10 REISSUANCE OF HANGING DEVICES.

1. The department shall begin the issuance of new handicapped identification hanging devices as provided in this chapter beginning January 1, 1990.

2. After January 1, 1991, only new handicapped identification hanging devices issued by the department pursuant to this chapter shall be valid and other hanging devices issued prior to January 1, 1990, shall be invalid.

3. In addition to the requirements of the permanent and temporary hanging devices provided under sections 321L.2 and 321L.4, one side of the hanging device shall also have the following statement printed on it: "Unauthorized use of this device as indicated in Iowa Code chapter 321L may result in a fine, invalidation of the device, or revocation of the right to use the device." The hanging device shall also include the return address and telephone number of the department.

4. This section does not apply to the issuance of handicapped registration plates or handicapped identification stickers.

Sec. 19. Section 805.8, subsection 2, paragraph s, Code 1989, is amended by striking the paragraph.

Sec. 20. Chapter 601E, Code 1989, is repealed.

Sec. 21. Except for section 7 of this Act, this Act takes effect January 1, 1990. Section 6 of this Act takes effect July 1 following the enactment of this Act.

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 745, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 27, 1989

TERRY E. BRANSTAD
Governor