

MAR 9 1992

HOUSE FILE 2408
BY COMMITTEE ON TRANSPORTATION

Place On Calendar

(SUCCESSOR TO HF 2248)

Passed House, Date 3/12/92 (p. 564) Passed Senate, Date 4/2/92 (p. 1304)
Vote: Ayes 75 Nays 22 Vote: Ayes 44 Nays 3
Approved April 25, 1992 (p. 1746)

A BILL FOR

1 An Act increasing the penalty for improper use of a handicapped
2 identification device.

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

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HF 2408

1 Section 1. Section 321.236, subsection 1, paragraph a,
2 Code 1991, is amended to read as follows:

3 a. May be charged and collected upon a simple notice of a
4 fine payable to the city clerk or clerk of the district court,
5 if authorized by ordinance. The fine shall not exceed five
6 dollars except for snow route parking violations in which case
7 the fine shall not exceed twenty-five dollars. The fine may
8 be increased up to ten dollars if the parking violation is not
9 paid within thirty days of the date upon which the violation
10 occurred, if authorized by ordinance. Violations of section
11 321L.4, subsection 2, may be charged and collected upon a
12 simple notice of a ~~twenty-five~~ fifty dollar fine payable to
13 the city clerk or clerk of the district court, if authorized
14 by ordinance. No costs or other charges shall be assessed.
15 All fines collected by a city pursuant to this paragraph shall
16 be retained by the city and all fines collected by a county
17 pursuant to this paragraph shall be retained by the county.

18 Sec. 2. Section 321L.4, subsection 2, Code 1991, is
19 amended to read as follows:

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

1 the device.

2 Sec. 3. Section 805.8, subsection 2, paragraph a, Code
3 1991, is amended to read as follows:

4 a. For parking violations under sections 321.236, 321.239,
5 321.358, 321.360, and 321.361, the scheduled fine is five
6 dollars. The scheduled fine for a parking violation of
7 section 321.236 increases in an amount up to ten dollars, as
8 authorized by ordinance pursuant to section 321.236,
9 subsection 1, paragraph "a", if the parking violation is not
10 paid within thirty days of the date upon which the violation
11 occurred. For purposes of calculating the unsecured
12 appearance bond required under section 805.6, the scheduled
13 fine shall be five dollars. However, violations charged by a
14 city or county upon simple notice of a fine instead of a
15 uniform citation and complaint as permitted by section
16 321.236, subsection 1, paragraph "a", are not scheduled
17 violations, and this section shall not apply to any offense
18 charged in that manner. For a parking violation under section
19 111.38 or 321.362 the scheduled fine is ten dollars. For a
20 parking violation under section 321.4, subsection 2, the
21 scheduled fine is twenty-five fifty dollars.

22 EXPLANATION

23 This bill increases the penalty for improper use of a
24 handicapped identification device from \$25 to \$50.

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HOUSE FILE 2408

S-5457

1 Amend House File 2408, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 321.34, subsection 7, Code
6 Supplement 1991, is amended to read as follows:

7 7. HANDICAPPED PLATES. The owner of a motor
8 vehicle subject to registration pursuant to section
9 321.109, subsection 1, light delivery truck, panel
10 delivery truck, or pickup, who is a handicapped
11 person, or who is the parent or guardian of a child
12 ~~who resides with the parent or guardian owner and~~ who
13 is a handicapped person, as defined in section 321L.1,
14 may, upon written application to the department, order
15 handicapped registration plates designed by the
16 department bearing the international symbol of
17 accessibility. The handicapped registration plates
18 shall only be issued if the application is accompanied
19 with a statement from a physician licensed under
20 chapter 148, 149, 150, or 150A, or a chiropractor
21 licensed under chapter 151, written on the physician's
22 or chiropractor's stationery, stating the nature of
23 the applicant's or the applicant's child's handicap
24 and such additional information as required by rules
25 adopted by the department, ~~including proof of~~
26 ~~residency of a child who is a handicapped person.~~ If
27 the application is approved by the department the
28 handicapped registration plates shall be issued to the
29 applicant in exchange for the previous registration
30 plates issued to the person. The fee for the
31 handicapped plates is five dollars which is in
32 addition to the regular annual registration fee. The
33 department shall validate the handicapped plates in
34 the same manner as regular registration plates are
35 validated under this section at the regular annual
36 registration fee. However, the handicapped plates
37 shall not be renewed without the applicant furnishing
38 evidence to the department that the owner of the motor
39 vehicle or the owner's child is still a handicapped
40 person as defined in section 321L.1, unless the
41 applicant has previously provided satisfactory
42 evidence to the department that the owner of the
43 vehicle or the owner's child is permanently
44 handicapped in which case the furnishing of additional
45 evidence shall not be required for renewal. However,
46 ~~an owner who has a child who is a handicapped person~~
47 ~~shall provide satisfactory evidence to the department~~
48 ~~that the handicapped child continues to reside with~~
49 ~~the owner.~~ The handicapped registration plates shall
50 be surrendered in exchange for regular registration

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1 plates when the owner of the motor vehicle or the
2 owner's child no longer qualifies as a handicapped
3 person as defined in section 321L.1 or when the
4 owner's child who is a handicapped person no longer
5 resides with the owner. For the purposes of the
6 issuance of handicapped plates under this subsection,
7 a handicapped child shall include a child of any age."

8 2. Title page, line 1, by inserting after the
9 word "Act" the following: "relating to issuance of
10 handicapped registration plates and".

11 3. By renumbering as necessary.
By JIM LIND

S-5457 FILED MARCH 31, 1992

Filed in german 4/8/92 (p. 1304)

HOUSE FILE 2408

S-5446

1 Amend House File 2408, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 17, the
4 following:

5 "Sec. ____ . Section 321L.2, subsection 1, paragraph
6 b, Code 1991, is amended to read as follows:

7 b. The department may issue permanent handicapped
8 identification hanging devices to the following in
9 accordance with rules adopted by the department:

10 (1) An organization which has a program for
11 transporting the handicapped or elderly.

12 (2) A person in the business of transporting the
13 handicapped or elderly.

14 One handicapped identification hanging device may
15 be issued for each vehicle used by the organization or
16 person for transporting the handicapped or elderly. A
17 handicapped identification hanging device issued under
18 this paragraph shall be surrendered to the department
19 if the organization or person is no longer providing
20 the service for which the device was issued.

21 Notwithstanding section 321L.4, a person transporting
22 the handicapped or elderly in a motor vehicle for
23 which a handicapped identification hanging device has
24 been issued under this paragraph may display the
25 device in the motor vehicle and may use a handicapped
26 parking space while the motor vehicle is displaying
27 the device. A handicapped identification hanging
28 device issued under this paragraph shall be of a
29 distinctively different color from the handicapped
30 identification hanging devices issued under paragraph
31 "a".

32 2. Page 2, by inserting after line 21 the
33 following:

34 "Sec. ____ . Any handicapped identification hanging
35 device issued under section 321L.2, prior to the
36 effective date of this Act, to an organization or
37 person for transporting the elderly, shall continue to
38 be a valid handicapped identification device if the
39 organization or person complies with the provisions
40 which were in existence when it was issued."

41 3. Title page, line 1, by inserting after the
42 word "Act" the following: "relating to the issuance
43 of handicapped identification devices and".

44 4. By renumbering as necessary.
By MIKE CONNOLLY

S-5446 FILED MARCH 30, 1992

See 1/4

HOUSE FILE 2408

AN ACT

INCREASING THE PENALTY FOR IMPROPER USE OF A HANDICAPPED IDENTIFICATION DEVICE.

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

Section 1. Section 321.236, subsection 1, paragraph a, Code 1991, is amended to read as follows:

a. May be charged and collected upon a simple notice of a fine payable to the city clerk or clerk of the district court, if authorized by ordinance. The fine shall not exceed five dollars except for snow route parking violations in which case the fine shall not exceed twenty-five dollars. The fine may be increased up to ten dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred, if authorized by ordinance. Violations of section 321.236, subsection 2, may be charged and collected upon a simple notice of a twenty-five fifty dollar fine payable to the city clerk or clerk of the district court, if authorized by ordinance. No costs or other charges shall be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county.

Sec. 2. Section 321.236, subsection 2, Code 1991, is amended to read as follows:

2. The use of a handicapped parking space, located on either public or private property as provided in sections 321.236 and 321.237, 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 321.238, 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 fifty 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. 3. Section 805.8, subsection 2, paragraph a, Code 1991, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars. The scheduled fine for a parking violation of section 321.236 increases in an amount up to ten dollars, as authorized by ordinance pursuant to section 321.236, subsection 1, paragraph "a", if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph "a", are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 321.38 or 321.362 the scheduled fine is ten dollars. For a

parking violation under section 321L.4, subsection 2, the scheduled fine is ~~twenty-five~~ fifty dollars.

ROBERT C. ARNOULD
Speaker of the House

MICHAEL E. GRONSTAL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2408, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 22, 1992

TERRY E. BRANSTAD
Governor