

Amended 3/28 E. Pass 4/10/91

FILE NO. 1109

SENATE FILE 331  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 4)

Passed Senate, Date 3/25/91 (p. 792) Passed House, Date 4/19/91 (p. 1372)  
Vote: Ayes 48 Nays 0 Vote: Ayes 90 Nays 0  
Approved May 1, 1991 (p. 1598)

A BILL FOR

1 An Act extending traffic enforcement authority to mobile home  
2 parks.

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

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SSB 331

1 Section 1. Section 321.251, Code 1991, is amended to read  
2 as follows:

3 321.251 RIGHTS OF OWNERS OF REAL PROPERTY.

4 1. Nothing-in-this This chapter shall not be construed to  
5 prevent the owner of real property used by the public for  
6 purposes of vehicular travel by permission of the owner and  
7 not as matter of right from prohibiting such use, or from  
8 requiring other or different or additional conditions than  
9 those specified in this chapter, or otherwise regulating such  
10 use as may seem best to such owner.

11 2. a. The owner of real property upon which a mobile home  
12 park is located, may elect to have the vehicular traffic  
13 provisions of this chapter, or the ordinances, rules, or  
14 regulations of the local authority where the real property is  
15 located, apply to the real property and any persons located on  
16 the real property by granting authority to any peace officer  
17 to enforce the vehicular traffic provisions of this chapter,  
18 or the ordinances, rules, or regulations of the local  
19 authority as well as any regulations or conditions imposed on  
20 the real property pursuant to subsection 1. An election made  
21 pursuant to this subsection shall not create a higher priority  
22 for the enforcement of traffic laws on real property upon  
23 which a mobile home is located than exists for the enforcement  
24 of traffic laws on public property.

25 b. A written notice of election shall be filed with the  
26 designated officials of the local authority whose ordinances,  
27 rules, or regulations will govern the vehicular traffic. The  
28 appropriate officials shall be the city clerk and chief of  
29 police of the city in which the real property is located and  
30 the county sheriff and the county recorder of the county in  
31 which the real property is located. The notice shall include  
32 the legal description of the real property, the street  
33 address, if any, and the date and time when the owner wishes  
34 the election to become effective. The notice shall be signed  
35 by every titleholder of the real property and acknowledged by

1 a notary public.

2 c. An election shall terminate fourteen days following the  
3 filing of a written notice of withdrawal with the designated  
4 officials of the local authority whose ordinances, rules, or  
5 regulations will govern.

6 d. For purposes of this subsection, "titleholder of real  
7 property" means the person or entity whose name appears on the  
8 documents of title filed in the official county records as the  
9 owner of the real property upon which a mobile home park is  
10 located.

11 EXPLANATION

12 This bill allows an owner of real property upon which a  
13 mobile home park is located to elect to apply the vehicular  
14 traffic laws of the jurisdiction in which the property is  
15 located to the property and any persons or entities located on  
16 the property and authorizes any peace officer to enter the  
17 property and enforce the laws.

18 For a property owner to elect to have enforcement authority  
19 on the property, a written notice of election must be filed  
20 with the designated officials of the local authority whose  
21 ordinances, rules, or regulations will govern the vehicular  
22 traffic. The designated officials are the city clerk and  
23 chief of police in the city where the property is located and  
24 the county sheriff and county recorder in the county where the  
25 property is located. The notice must include a legal  
26 description of the property, the street address, if any, and  
27 the date and time the owner wishes the election to become  
28 effective. The notice must be signed by every titleholder of  
29 the property and acknowledged by a notary public. An owner  
30 who wishes to terminate the election must file a written  
31 notice of withdrawal with the same officials with whom the  
32 owner filed the written notice of election. Enforcement  
33 authority shall terminate 14 days after filing the written  
34 notice of withdrawal.

35 "Titleholder" is defined for purposes of this bill as the

1 person or entity whose name appears on the documents of title  
2 filed in the official county records as the owner of the  
3 mobile home park.

4 The bill may include a state mandate as defined in section  
5 25B.3.

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SENATE FILE 331  
FISCAL NOTE

A fiscal note for Senate File 331 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.

Senate File 331 allows an owner of real property upon which a mobile home park is located to elect to apply the vehicular traffic laws of the jurisdiction in which the property is located to the property and authorizes any peace officer to enter the property and enforce the laws.

Fiscal Effect

The fiscal effect of this bill cannot be determined because it is not known how many property owners will elect to have the traffic laws enforced upon their property.

(Source: Iowa State Association of Counties)

(LSB 1174sv, DLR)

FILED APRIL 12, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

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DIELEMAN, CH.  
GETTINGS  
JENSEN

SSB 4  
TRANSPORTATION

SENATE FILE 331  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON FRAISE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act extending traffic enforcement authority to selected  
2 parcels of privately owned property.

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

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1 Section 1. Section 321.251, Code 1991, is amended to read  
2 as follows:

3 321.251 RIGHTS OF OWNERS OF REAL PROPERTY.

4 1. Nothing-in-this This chapter shall not be construed to  
5 prevent the owner of real property used by the public for  
6 purposes of vehicular travel by permission of the owner and  
7 not as matter of right from prohibiting such use, or from  
8 requiring other or different or additional conditions than  
9 those specified in this chapter, or otherwise regulating such  
10 use as may seem best to such owner.

11 2. a. The owner of real property may elect to have the  
12 provisions of this chapter, or the ordinances, rules, or  
13 regulations of the local authority where the real property is  
14 located, apply to the real property and any persons located on  
15 the real property by granting authority to any peace officer  
16 to enforce the provisions of this chapter, or the ordinances,  
17 rules, or regulations of the local authority as well as any  
18 regulations or conditions imposed on the real property pur-  
19 suant to subsection 1.

20 b. A written notice of election shall be filed with the  
21 designated officials of the local authority whose ordinances,  
22 rules, or regulations will govern the vehicular traffic. The  
23 appropriate officials shall be the city clerk and chief of  
24 police of the city in which the real property is located and  
25 the county sheriff and the county recorder of the county in  
26 which the real property is located. The notice shall include  
27 the legal description of the real property, the street  
28 address, if any, and the date and time when the owner wishes  
29 the election to become effective. The notice shall be signed  
30 by every titleholder of the real property and acknowledged by  
31 a notary public.

32 c. An election shall terminate fourteen days following the  
33 filing of a written notice of withdrawal with the designated  
34 officials of the local authority whose ordinances, rules, or  
35 regulations will govern.

1 d. For purposes of this subsection, "titleholder of real  
2 property" means the person or entity whose name appears on the  
3 documents of title filed in the official county records. For  
4 real property which is subject to chapter 499B, "titleholder  
5 of real property" means the duly authorized agent or officer  
6 of the council of co-owners.

7 EXPLANATION

8 This bill allows an owner of real property to elect to  
9 apply the traffic laws of the jurisdiction in which the  
10 property is located to the property and any persons or  
11 entities located on the property and authorizes any peace  
12 officer to enter the property and enforce the laws.

13 For a property owner to elect to have enforcement authority  
14 on the property, a written notice of election must be filed  
15 with the designated officials of the local authority whose  
16 ordinances, rules, or regulations will govern the vehicular  
17 traffic. The designated officials are the city clerk and  
18 chief of police in the city where the property is located and  
19 the county sheriff and county recorder in the county where the  
20 property is located. The notice must include a legal  
21 description of the property, the street address, if any, and  
22 the date and time the owner wishes the election to become  
23 effective. The notice must be signed by every titleholder of  
24 the property and acknowledged by a notary public. An owner  
25 who wishes to terminate the election must file a written  
26 notice of withdrawal with the same officials with whom the  
27 owner filed the written notice of election. Enforcement  
28 authority shall terminate 14 days after filing the written  
29 notice of withdrawal.

30 "Titleholder" is defined for purposes of this bill as the  
31 person or entity whose name appears on the documents of title  
32 filed in the official county records. For real property  
33 subject to chapter 499B, titleholder means the duly authorized  
34 agent or officer of the council of co-owners.

35 The bill may include a state mandate as defined in section

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 25B.3.

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SENATE FILE 331

AN ACT

EXTENDING TRAFFIC ENFORCEMENT AUTHORITY TO MOBILE HOME PARKS.

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

Section 1. Section 321.251, Code 1991, is amended to read as follows:

321.251 RIGHTS OF OWNERS OF REAL PROPERTY.

1. ~~Nothing in this~~ This chapter shall ~~not~~ be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than

those specified in this chapter, or otherwise regulating such use as may seem best to such owner.

2. a. The owner of real property upon which a mobile home park is located, may elect to have the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority where the real property is located, apply to the real property and any persons located on the real property by granting authority to any peace officer to enforce the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority as well as any regulations or conditions imposed on the real property pursuant to subsection 1. An election made pursuant to this subsection shall not create a higher priority for the enforcement of traffic laws on real property upon which a mobile home is located than exists for the enforcement of traffic laws on public property.

b. A written notice of election shall be filed with the designated officials of the local authority whose ordinances, rules, or regulations will govern the vehicular traffic. The appropriate officials shall be the city clerk and chief of police of the city in which the real property is located and the county sheriff and the county recorder of the county in which the real property is located. The notice shall include the legal description of the real property, the street address, if any, and the date and time when the owner wishes the election to become effective. The notice shall be signed by every titleholder of the real property and acknowledged by a notary public.

c. An election shall terminate fourteen days following the filing of a written notice of withdrawal with the designated officials of the local authority whose ordinances, rules, or regulations will govern.

d. For purposes of this subsection, "titleholder of real property" means the person or entity whose name appears on the documents of title filed in the official county records as the

owner of the real property upon which a mobile home park is located.

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JOE J. WELSH  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 331, Seventy-fourth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved May 1, 1991

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TERRY E. BRANSTAD  
Governor