

FFR 27 1995

TRANSPORTATION

HOUSE FILE 221
BY HURLEY

(COMPANION TO LSB 1948SS BY
MURPHY)

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

A BILL FOR

1 An Act relating to handicapped parking and providing a penalty.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 221

1 Section 1. Section 321.23, subsection 4, Code 1995, is
2 amended to read as follows:

3 4. A vehicle which does not meet the equipment
4 requirements of this chapter due to the particular use for
5 which it is designed or intended, may be registered by the
6 department upon payment of appropriate fees and after
7 inspection and certification by the department that the
8 vehicle is not in an unsafe condition. A person is not
9 required to have a certificate of title to register a vehicle
10 under this subsection. If the owner elects to have a
11 certificate of title issued for the vehicle, a fee of ten
12 dollars shall be paid by the person making the application
13 upon issuance of a certificate of title. If the department's
14 inspection reveals that the vehicle may be safely operated
15 only under certain conditions or on certain types of roadways,
16 the department may restrict the registration to limit
17 operation of the vehicle to the appropriate conditions or
18 roadways. This subsection does not apply to snowmobiles as
19 defined in section 321G.1. Section 321.382 does not apply to
20 a vehicle registered under this subsection which is operated
21 exclusively by a handicapped person who has obtained a
22 handicapped ~~identification-device~~ parking permit as provided
23 in section 321L.2, if the handicapped ~~identification-device~~
24 parking permit is carried in or on the vehicle and shown to a
25 peace officer on request.

26 Sec. 2. Section 321.34, subsection 7, Code 1995, is
27 amended to read as follows:

28 7. HANDICAPPED PLATES. The owner of a motor vehicle
29 subject to registration pursuant to section 321.109,
30 subsection 1, light delivery truck, panel delivery truck, or
31 pickup, who is a handicapped person, or who is the parent or
32 guardian of a child who resides with the parent or guardian
33 owner and who is a handicapped person, as defined in section
34 321L.1, may, upon written application to the department, order
35 handicapped registration plates designed by the department

1 bearing the international symbol of accessibility. The
2 handicapped registration plates shall only be issued if the
3 application is accompanied with a statement from a physician
4 licensed under chapter 148, 149, 150, or 150A, or a
5 chiropractor licensed under chapter 151, written on the
6 physician's or chiropractor's stationery, stating the nature
7 of the applicant's or the applicant's child's handicap and
8 such additional information as required by rules adopted by
9 the department, including proof of residency of a child who is
10 a handicapped person. If the application is approved by the
11 department the handicapped registration plates shall be issued
12 to the applicant in exchange for the previous registration
13 plates issued to the person. ~~The fee for the handicapped~~
14 ~~plates is five dollars which is in addition to the regular~~
15 ~~annual registration fee.~~ The department shall validate the
16 handicapped plates in the same manner as regular registration
17 plates are validated under this section at the regular annual
18 registration fee. However, the handicapped plates shall not
19 be renewed without the applicant furnishing evidence to the
20 department that the owner of the motor vehicle or the owner's
21 child is still a handicapped person as defined in section
22 321L.1, unless the applicant has previously provided
23 satisfactory evidence to the department that the owner of the
24 vehicle or the owner's child is permanently handicapped in
25 which case the furnishing of additional evidence shall not be
26 required for renewal. ~~However,~~ An owner who has a child
27 who is a handicapped person shall provide satisfactory
28 evidence to the department that the handicapped child
29 continues to reside with the owner. The handicapped
30 registration plates shall be surrendered in exchange for
31 regular registration plates when the owner of the motor
32 vehicle or the owner's child no longer qualifies as a
33 handicapped person as defined in section 321L.1 or when the
34 owner's child who is a handicapped person no longer resides
35 with the owner.

1 Sec. 3. Section 321.166, subsection 6, Code 1995, is
2 amended to read as follows:

3 6. Registration plates issued a disabled veteran under the
4 provisions of section 321.105, shall display the alphabetical
5 characters "DV" which shall precede the registration plate
6 number. The plates may also display a handicapped
7 identification parking sticker if issued to the disabled
8 veteran by the department under section 321L.2.

9 Sec. 4. Section 321.189, subsection 4, Code 1995, is
10 amended to read as follows:

11 4. SYMBOLS. Upon the request of a licensee, the
12 department shall indicate on the license the presence of a
13 medical condition or that the licensee is a donor under the
14 uniform anatomical gift law. The license shall contain a
15 designation that the licensee is a handicapped person as
16 defined in section 321L.1. The license may contain such other
17 information as the department may require by rule.

18 Sec. 5. Section 321.190, Code 1995, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 4. SYMBOLS. Upon the request of a
21 nonoperator's identification cardholder the department shall
22 indicate on the card the presence of a medical condition or
23 that the cardholder is a donor under the uniform anatomical
24 gift law. The nonoperator's identification card shall contain
25 a designation that the cardholder is a handicapped person as
26 defined in section 321L.1. The nonoperator's identification
27 card may contain such other information as the department may
28 require by rule.

29 Sec. 6. Section 321L.1, subsections 4 and 6, Code 1995,
30 are amended to read as follows:

31 4. "~~Handicapped identification-device~~-or-"~~device~~" parking
32 permit" means ~~an-identification-device~~ a permit bearing the
33 international symbol of accessibility issued by the department
34 which allows the holder to park in a handicapped parking
35 space, and includes a handicapped registration plate issued to

1 or for a handicapped person under section 321.34, subsection
2 7, a handicapped identification parking sticker affixed to a
3 registration plate issued to a disabled veteran under section
4 321.166, subsection 6, or to a radio operator under section
5 321.34, subsection 3, and a handicapped identification-hanging
6 parking device which is a placard for hanging from the
7 rearview mirror when the motor vehicle is parked.

8 6. "Handicapped parking space" means a parking space,
9 including the access aisle, designated for use by only motor
10 vehicles displaying a handicapped identification-device
11 parking permit that meets the requirements of sections 321L.5
12 and 321L.6.

13 Sec. 7. Section 321L.2, Code 1995, is amended to read as
14 follows:

15 321L.2 HANDICAPPED IDENTIFICATION-DEVICES PARKING PERMITS
16 -- APPLICATION AND ISSUANCE -- HANDICAPPED PARKING
17 IDENTIFICATION CARD.

18 1. a. A handicapped resident of the state desiring a
19 handicapped identification-device parking permit shall apply
20 to the department upon an application form furnished by the
21 department providing the applicant's name, address, date of
22 birth, and social security number and shall also provide a
23 statement from a physician licensed under chapter 148, 149,
24 150, or 150A, or a chiropractor licensed under chapter 151, or
25 a physician or chiropractor licensed to practice in a
26 contiguous state, written on the physician's or chiropractor's
27 stationery, stating the nature of the applicant's handicap and
28 such additional information as required by rules adopted by
29 the department under section 321L.8.

30 A handicapped person may apply for one of the following
31 handicapped parking permits:

32 (1) Handicapped-registration-plates-must-be-ordered
33 HANDICAPPED REGISTRATION PLATES. An applicant may order
34 handicapped registration plates pursuant to section 321.34,
35 subsection 7.

1 (2) HANDICAPPED PARKING STICKER. An applicant who owns a
2 motor vehicle for which the applicant has been issued radio
3 operator registration plates under section 321.34, subsection
4 3, or registration plates as a seriously disabled veteran
5 under section 321.105 may apply to the department for a
6 handicapped parking sticker to be affixed to the plates. The
7 handicapped parking stickers shall bear the international
8 symbol of accessibility.

9 (3) HANDICAPPED PARKING DEVICE. A handicapped person may
10 apply for either-one-temporary-or-one-permanent-handicapped
11 identification-hanging-device.--Persons-who-seek-a-permanent
12 handicapped-identification-device-shall-be-required-to-furnish
13 evidence-upon-initial-application-that-they-are-permanently
14 handicapped.--A-person-who-has-provided-satisfactory-evidence
15 to-the-department-that-the-person-is-permanently-handicapped
16 shall-not-be-required-to-furnish-evidence-of-being-handicapped
17 at-a-later-date,--unless-the-department-deems-it-necessary. a
18 temporary handicapped parking device which shall be valid for
19 a period of six months or a regular handicapped parking device
20 which shall be valid for the period of time in which the
21 handicapped person's motor vehicle license or nonoperator's
22 identification card is valid, but no longer than four years.
23 Persons who-~~seek-only~~ seeking temporary handicapped
24 identification-stickers-or-hanging parking devices shall be
25 required to furnish evidence upon initial application that
26 they are temporarily handicapped and, in addition, furnish
27 evidence at ~~three-month~~ six-month intervals that they remain
28 temporarily handicapped. Temporary handicapped identification
29 stickers-and-hanging parking devices shall be of a
30 distinctively different color from permanent-handicapped
31 identification-stickers-and-hanging regular handicapped
32 parking devices. Persons seeking a regular handicapped
33 parking device shall be required to furnish evidence upon
34 renewal of the person's motor vehicle license or renewal of
35 the person's nonoperator's identification card that the person

1 is still handicapped.

2 b. The department may issue permanent-handicapped
3 identification-hanging regular handicapped parking devices to
4 the following ~~in-accordance-with-rules-adopted-by-the~~
5 department:

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

8 (2) A person in the business of transporting the
9 handicapped or elderly.

10 One handicapped identification-hanging parking device may
11 be issued for each vehicle used by the organization or person
12 for transporting the handicapped or elderly. A handicapped
13 identification-hanging parking device issued under this
14 paragraph shall be renewed every four years from the date of
15 issuance and shall be surrendered to the department if the
16 organization or person is no longer providing the service for
17 which the device was issued. Notwithstanding section 321L.4,
18 a person transporting handicapped or elderly in a motor
19 vehicle for which a handicapped identification-hanging parking
20 device has been issued under this paragraph may display the
21 device in the motor vehicle and may use a handicapped parking
22 space while the motor vehicle is displaying the device. A
23 handicapped identification-hanging parking device issued under
24 this paragraph shall be of a distinctively different color
25 ~~from the-handicapped-identification-hanging-devices a~~
26 handicapped parking device issued under paragraph "a". An
27 organization issued a handicapped parking device and a
28 handicapped person being transported under this subsection are
29 exempt from the handicapped designation requirement under
30 section 321L.4.

31 c. A new handicapped identification parking device can be
32 issued if the previously issued device is reported lost,
33 stolen, or damaged. The device reported as being lost or
34 stolen shall be invalidated by the department. A device which
35 is damaged shall be returned to the department and exchanged

1 for a new device in accordance with rules adopted by the
2 department.

3 2. Any person providing false information with the intent
4 to defraud on the application for a handicapped identification
5 device-or parking permit used in establishing proof under
6 subsection 1 is subject to a civil penalty of one hundred
7 dollars which may be imposed by the department. A physician
8 or chiropractor who provides false information with the intent
9 to defraud on the physician's or chiropractor's statement used
10 in establishing proof under subsection 1 is subject to a civil
11 penalty of one hundred thousand dollars which may be imposed
12 by the department,-or-subject-to-invalidation-by-the
13 department-of-the-device-issued-to-the-individual,-or-subject
14 to-both-the-civil-penalty-and-invalidation. In addition to
15 the civil penalty, the department shall revoke the permit
16 issued under this section.

17 3. ~~Each handicapped identification device shall be~~
18 ~~acquired by the department and sold at a cost not to exceed~~
19 ~~five dollars, to handicapped persons upon application on forms~~
20 ~~prescribed by the department.---Before delivering a handicapped~~
21 ~~identification device to a handicapped person the~~ The
22 department shall permanently affix to the handicapped parking
23 device a unique number which may be used by the department to
24 identify the individual to whom the device is issued.---A
25 temporary handicapped identification hanging device shall have
26 the and the expiration date permanently affixed to the device.
27 Expiration dates and identification numbers affixed to
28 handicapped identification hanging devices which shall be of
29 sufficient size to be readable from outside the vehicle. One
30 side of the handicapped parking device shall have the
31 following statement printed on it: "Unauthorized use of this
32 device as indicated in Iowa Code chapter 321L may result in a
33 fine, invalidation of the device, or revocation of the right
34 to use the device." The device shall also include the return
35 address and telephone number of the department.

1 A-handicapped-person-who-owns-a-motor-vehicle-for-which-the
2 handicapped-person-has-been-issued-radio-operator-registration
3 plates-under-section-321:347-subsection-37-or-registration
4 plates-as-a-seriously-disabled-veteran-under-section-321:105
5 may-apply-to-the-department-for-a-handicapped-identification
6 sticker-to-be-affixed-to-the-plates.--The-handicapped
7 identification-stickers-shall-bear-the-international-symbol-of
8 accessibility.--The-handicapped-identification-stickers-shall
9 be-acquired-by-the-department-and-sold-at-a-cost-not-to-exceed
10 five-dollars,-to-eligible-handicapped-persons-upon-application
11 on-forms-prescribed-by-the-department-

12 4. All persons receiving a handicapped parking permit
13 under this section except persons receiving a handicapped
14 parking device issued under subsection 1, paragraph "b", and
15 persons issued a temporary parking device shall be required to
16 have a handicapped designation on the face of the person's
17 motor vehicle license or if the person does not have or is not
18 eligible for a motor vehicle license, the person shall apply
19 for a nonoperator's identification card with a handicapped
20 designation. A handicapped person who has been issued a
21 permit under this section shall carry the motor vehicle
22 license or nonoperator's identification card in the person's
23 possession at all times when the handicapped parking permit is
24 being used.

25 Sec. 8. Section 321L.3, Code 1995, is amended to read as
26 follows:

27 321L.3 RETURN OF HANDICAPPED IDENTIFICATION-DEVICES---
28 RETURN-OF-HANGING-DEVICES PARKING PERMITS.

29 Handicapped identification-hanging-devices parking permits
30 shall be returned to the department upon the occurrence of any
31 of the following:

- 32 1. The person to whom the device handicapped parking
33 permit has been issued is deceased.
- 34 2. The person to whom the device handicapped parking
35 permit has been issued has moved out of state.

1 3. A person has found or has in the person's possession a
2 ~~hanging-device~~ handicapped parking permit that was not issued
3 to that person.

4 4. The ~~temporary-device~~ handicapped parking permit has
5 expired.

6 5. The ~~device~~ handicapped parking permit has been
7 ~~invalidated~~ revoked.

8 6. The ~~device~~ handicapped parking permit reported lost or
9 stolen ~~under-section-321B-27-subsection-17~~ is later found or
10 retrieved after a subsequent ~~device~~ handicapped parking permit
11 has been issued.

12 A person who fails to return the handicapped ~~identification~~
13 ~~hanging-device-as-stipulated-above~~ parking permit and
14 subsequently misuses the ~~device~~ permit by illegally parking in
15 a handicapped parking space is guilty of a simple misdemeanor
16 and subject to a fine of one hundred dollars ~~shall-be-imposed~~
17 on-the-person.

18 ~~Devices~~ Handicapped parking permits may be returned to the
19 department as required by this section either directly to the
20 department or through a driver license station or any law
21 enforcement office.

22 Sec. 9. Section 321L.4, Code 1995, is amended to read as
23 follows:

24 321L.4 HANDICAPPED PARKING -- DISPLAY AND USE OF ~~DEVICE~~
25 PARKING PERMIT AND HANDICAPPED IDENTIFICATION CARD.

26 1. A handicapped ~~identification-device~~ parking permit or
27 device shall be displayed in a motor vehicle as a hanging
28 device or on a motor vehicle as a plate or sticker as provided
29 in section 321L.2 when being used by a handicapped person,
30 either as an operator or passenger. Each hanging handicapped
31 parking device shall be of uniform design and fabricated of
32 durable material, suitable for display from within the
33 passenger compartment of a motor vehicle, and readily
34 transferable from one vehicle to another.

35 2. The use of a handicapped parking space, located on

1 either public or private property as provided in sections
2 321L.5 and 321L.6, by a motor vehicle not displaying a
3 handicapped identification-device parking permit; by a motor
4 vehicle displaying such a device handicapped parking permit
5 but not being used by a handicapped person, as an operator or
6 passenger in possession of a motor vehicle license with a
7 handicapped designation or a nonoperator's identification card
8 with a handicapped designation, other than a person issued a
9 permit or being transported in accordance with section 321L.2,
10 subsection 1, paragraph "b"; or by a motor vehicle in
11 violation of the rules adopted by the department under section
12 321L.8, constitutes improper use of a handicapped
13 identification-device parking permit, which is a misdemeanor
14 for which a fine shall be imposed upon the owner, operator, or
15 lessee of the motor vehicle or the purchaser of person to whom
16 the handicapped identification-device parking permit was
17 issued. The fine for each violation shall be fifty dollars.
18 Proof of conviction of two or more violations involving
19 improper use of a handicapped identification-device parking
20 permit is grounds for revocation by the court or the
21 department of the holder's privilege to possess or use the
22 device parking permit.

23 3. A peace officer as designated in section 801.4,
24 subsection 11, shall have the authority to and shall enforce
25 the provisions of this section on public and private property.

26 Sec. 10. Section 321L.5, subsection 3, paragraph c, Code
27 1995, is amended to read as follows:

28 c. An entity providing off-street nonresidential parking
29 as a lessor shall provide a handicapped parking space to an
30 individual requesting to lease a parking space, if that
31 individual possesses a permanent regular handicapped
32 identification-device parking permit issued in accordance with
33 section 321L.2.

34 Sec. 11. Section 321L.5, subsection 4, paragraph b, Code
35 1995, is amended to read as follows:

1 b. Upon petition by an individual possessing a permanent
2 regular handicapped identification-device parking permit
3 issued in accordance with section 321L.2, the city shall
4 review utilization and location of existing handicapped
5 parking spaces for a one-month period but not more than once
6 every twelve months. If, upon review, the average occupancy
7 rate for handicapped parking spaces exceeds sixty percent
8 during normal business hours, the city shall provide
9 additional handicapped parking spaces as needed.

10 Sec. 12. IMPLEMENTATION.

11 1. A person who has been issued a permanent handicapped
12 parking device prior to the effective date of this Act shall
13 apply for a new handicapped parking permit the next time the
14 person's motor vehicle license is issued or renewed as
15 provided in section 321L.2, or when application is made for a
16 nonoperator's identification card.

17 2. A person who has been issued handicapped registration
18 plates or handicapped parking stickers shall apply for a
19 handicapped parking designation on the person's motor vehicle
20 license or on the person's nonoperator's identification card
21 or handicapped parking identification card, by providing a
22 physician's or chiropractor's statement as provided in section
23 321L.2 the next time the person's motor vehicle license is
24 issued or renewed or when application is made for a
25 nonoperator's identification card.

26 3. A person who has been issued a handicapped parking
27 permit, but who does not possess a valid Iowa motor vehicle
28 license, shall apply for a nonoperator's identification card
29 by January 1, 1996.

30 Sec. 13. REPEAL. Section 321L.10, Code 1995, is repealed.

31 EXPLANATION

32 This bill makes several changes to the existing handicapped
33 parking law under chapter 321L. It deletes references to
34 handicapped identification devices and replaces them with
35 handicapped parking permits.

1 The bill changes the length of time for which a handicapped
2 parking permit is valid. Current law allows for issuance of a
3 permanent permit which is valid for the lifetime of the person
4 to whom it was issued and a temporary permit which is valid
5 for three months. This bill strikes the permanent permit and
6 instead provides that a regular permit must be renewed at the
7 time the person's motor vehicle license is renewed, a maximum
8 of every four years, and a temporary permit must be renewed
9 every six months.

10 This bill provides for a \$1,000 civil penalty for a
11 physician or chiropractor who provides false information with
12 the intent to defraud on the physician's or chiropractor's
13 statement used to establish that a person is handicapped.

14 The bill requires that a handicapped person who wishes to
15 use a handicapped parking permit must either have a
16 handicapped designation on the person's motor vehicle license
17 or on a nonoperator's identification card. The bill requires
18 that when parking in a handicapped parking space, the person
19 must have not only a handicapped parking permit, but also a
20 handicapped designation on the person's motor vehicle license
21 or nonoperator's identification card.

22 The bill eliminates provisions charging a \$5 fee for
23 issuance of handicapped plates, stickers, and devices and
24 makes several technical changes.

25 The bill provides for enforcement of chapter 321L by a
26 peace officer on public or private property.

27 Finally, the bill provides that a person who has been
28 issued a permanent handicapped parking device prior to the
29 effective date of the Act shall apply for a new handicapped
30 permit the next time the person's motor vehicle license is
31 issued or renewed and persons who have been issued handicapped
32 registration plates or handicapped parking stickers shall
33 apply for a handicapped parking designation or a handicapped
34 parking identification card by providing a physician's or
35 chiropractor's statement the next time the person's motor

1 vehicle license is issued or renewed.

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