

REPRINTED

1-25-96 Transportation
FILED JAN 25 1996
2-27-96 Doan

SENATE FILE 2085
BY MURPHY

Passed Senate, ^(p.835) Date 3/18/96 Passed House, Date 4/2/96
Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 0
Approved 4/25/96

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:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

S.F. 2085

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 Supplement
27 1995, is 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 department shall validate
14 the handicapped plates in the same manner as regular
15 registration plates are validated under this section at the
16 regular annual registration fee. However, the handicapped
17 plates shall not be renewed without the applicant furnishing
18 evidence to the department that the owner of the motor vehicle
19 or the owner's child is still a handicapped person as defined
20 in section 321L.1, ~~unless the applicant has previously~~
21 ~~provided satisfactory evidence to the department that the~~
22 ~~owner of the vehicle or the owner's child is permanently~~
23 ~~handicapped in which case the furnishing of additional~~
24 ~~evidence shall not be required for renewal.~~ However, an. An
25 owner who has a child who is a handicapped person shall
26 provide satisfactory evidence to the department that the
27 handicapped child continues to reside with the owner. The
28 handicapped registration plates shall be surrendered in
29 exchange for regular registration plates when the owner of the
30 motor vehicle or the owner's child no longer qualifies as a
31 handicapped person as defined in section 321L.1 or when the
32 owner's child who is a handicapped person no longer resides
33 with the owner.

34 Sec. 3. Section 321.166, subsection 6, Code Supplement
35 1995, is amended to read as follows:

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

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

9 4. "~~Handicapped identification-device~~-or-"~~device~~" parking
10 permit" means ~~an identification-device~~ a permit bearing the
11 international symbol of accessibility issued by the department
12 which allows the holder to park in a handicapped parking
13 space, and includes ~~a~~ the following:

14 a. A handicapped registration plate issued to or for a
15 handicapped person under section 321.34, subsection 7-a.

16 b. A handicapped identification parking sticker affixed to
17 a registration plate issued to a disabled veteran under
18 section 321.166, subsection 6, ~~and-a~~ or to an operator under
19 section 321.34.

20 c. A handicapped ~~identification-hanging-device~~ removable
21 windshield placard which is a two-sided placard for hanging
22 from the rearview mirror when the motor vehicle is parked in a
23 handicapped parking space.

24 6. "Handicapped parking space" means a parking space,
25 including the access aisle, designated for use by only motor
26 vehicles displaying a handicapped ~~identification-device~~
27 parking permit that meets the requirements of sections 321L.5
28 and 321L.6.

29 Sec. 5. Section 321L.1, subsection 7, Code 1995, is
30 amended by striking the subsection and inserting in lieu
31 thereof the following:

32 7. "Handicapped person" means a person with a disability
33 that limits or impairs the person's ability to walk. A person
34 shall be considered handicapped for purposes of this chapter
35 under the following circumstances:

1 a. The person cannot walk two hundred feet without
2 stopping to rest.

3 b. The person cannot walk without the use of, or
4 assistance from, a brace, cane, crutch, another person,
5 prosthetic device, wheelchair, or other assistive device.

6 c. The person is restricted by lung disease to such an
7 extent that the person's forced expiratory volume for one
8 second, when measured by spirometry, is less than one liter,
9 or the arterial oxygen tension is less than sixty mm/hg on
10 room air at rest.

11 d. The person uses portable oxygen.

12 e. The person has a cardiac condition to the extent that
13 the person's functional limitations are classified in severity
14 as class III or class IV according to standards set by the
15 American heart association.

16 f. The person is severely limited in the person's ability
17 to walk due to an arthritic, neurological, or orthopedic
18 condition.

19 Sec. 6. Section 321L.2, subsections 1 and 2, Code
20 Supplement 1995, are amended to read as follows:

21 1. a. A handicapped resident of the state desiring a
22 handicapped identification-device parking permit shall apply
23 to the department upon an application form furnished by the
24 department providing the applicant's name, address, date of
25 birth, and social security number and shall also provide a
26 statement from a physician licensed under chapter 148, 149,
27 150, or 150A, or a chiropractor licensed under chapter 151, or
28 a physician or chiropractor licensed to practice in a
29 contiguous state, written on the physician's or chiropractor's
30 stationery, stating the nature of the applicant's handicap and
31 such additional information as required by rules adopted by
32 the department under section 321L.8. If the person is
33 applying for a temporary handicapped parking permit, the
34 physician's or chiropractor's statement shall state the period
35 of time during which the person is expected to be handicapped

1 and the period of time for which the permit should be issued,
2 not to exceed six months.

3 A handicapped person may apply for one of the following
4 handicapped parking permits:

5 (1) Handicapped-registration-plates-must-be-ordered
6 Handicapped registration plates. An applicant may order
7 handicapped registration plates pursuant to section 321.34,
8 subsection 7.

9 (2) Handicapped parking sticker. An applicant who owns a
10 motor vehicle for which the applicant has been issued
11 registration plates under section 321.34 or registration
12 plates as a seriously disabled veteran under section 321.105
13 may apply to the department for a handicapped parking sticker
14 to be affixed to the plates. The handicapped parking stickers
15 shall bear the international symbol of accessibility.

16 (3) Removable windshield placard. A handicapped person
17 may apply for either-one-temporary-or-one-permanent
18 handicapped-identification-hanging-device.--Persons-who-seek-a
19 permanent-handicapped-identification-device-shall-be-required
20 to-furnish-evidence-upon-initial-application-that-they-are
21 permanently-handicapped.--A-person-who-has-provided
22 satisfactory-evidence-to-the-department-that-the-person-is
23 permanently-handicapped-shall-not-be-required-to-furnish
24 evidence-of-being-handicapped-at-a-later-date,-unless-the
25 department-deems-it-necessary: a temporary removable
26 windshield placard which shall be valid for a period of up to
27 six months, as determined by the physician's or chiropractor's
28 statement under this subsection, or a removable windshield
29 placard which shall be valid for the period of time in which
30 the handicapped person's motor vehicle license or
31 nonoperator's identification card is valid, but no longer than
32 four years. Persons who-seek-only seeking temporary
33 handicapped-identification-stickers-or-hanging-devices
34 removable windshield placards shall be required to furnish
35 evidence upon initial application that they are temporarily

1 handicapped and, in addition, furnish evidence at three-month
2 subsequent intervals that they remain temporarily handicapped.
3 Temporary handicapped-identification-stickers-and-hanging
4 devices removable windshield placards shall be of a
5 distinctively different color from permanent-handicapped
6 identification-stickers-and-hanging-devices removable
7 windshield placards. Persons seeking a removable windshield
8 placard shall be required to furnish evidence upon renewal of
9 the person's motor vehicle license or renewal of the person's
10 nonoperator's identification card that the person is still
11 handicapped. The department shall issue one additional
12 removable windshield placard upon the request of a handicapped
13 person.

14 b. The department may issue permanent-handicapped
15 identification-hanging-devices removable windshield placards
16 to the following in-accordance-with-rules-adopted-by-the
17 department:

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

20 (2) A person in the business of transporting the
21 handicapped or elderly.

22 One handicapped-identification-hanging-device removable
23 windshield placard may be issued for each vehicle used by the
24 organization or person for transporting the handicapped or
25 elderly. A handicapped-identification-hanging-device placard
26 issued under this paragraph shall be renewed every four years
27 from the date of issuance and shall be surrendered to the
28 department if the organization or person is no longer
29 providing the service for which the device placard was issued.
30 Notwithstanding section 321L.4, a person transporting
31 handicapped or elderly in a motor vehicle for which a
32 handicapped-identification-hanging-device placard has been
33 issued under this paragraph may display the device placard in
34 the motor vehicle and may use a handicapped parking space
35 while the motor vehicle is displaying the device placard. A

1 ~~handicapped-identification-hanging-device~~ placard issued under
2 this paragraph shall be of a distinctively different color
3 ~~from the-handicapped-identification-hanging-devices~~ a placard
4 issued under paragraph "a". An organization issued a
5 removable windshield placard and a handicapped person being
6 transported under this subsection are exempt from the
7 handicapped designation requirement under section 321L.4.

8 c. A new handicapped-identification-device removable
9 windshield placard can be issued if the previously issued
10 device placard is reported lost, stolen, or damaged. The
11 device placard reported as being lost or stolen shall be
12 invalidated by the department. A device placard which is
13 damaged shall be returned to the department and exchanged for
14 a new device placard in accordance with rules adopted by the
15 department.

16 2. Any person providing false information with the intent
17 to defraud on the application for a handicapped identification
18 device-or parking permit used in establishing proof under
19 subsection 1 is subject to a civil penalty of one thousand
20 dollars which may be imposed by the department. A physician
21 or chiropractor who provides false information with the intent
22 to defraud on the physician's or chiropractor's statement used
23 in establishing proof under subsection 1 is subject to a civil
24 penalty of one hundred thousand dollars which may be imposed
25 by the department, ~~or subject to invalidation by the~~
26 ~~department of the device issued to the individual, or subject~~
27 ~~to both the civil penalty and invalidation.~~ In addition to
28 the civil penalty, the department shall revoke the permit
29 issued pursuant to this section.

30 Sec. 7. Section 321L.2, subsection 3, Code Supplement
31 1995, is amended by striking the subsection and inserting in
32 lieu thereof the following:

33 3. The removable windshield placard shall contain the
34 following information:

35 a. Each side of the placard shall include all of the

1 following:

2 (1) The international symbol of access, which is at least
3 three inches in height, centered on the placard, and is white
4 on a blue shield.

5 (2) An identification number.

6 (3) A date of expiration, which shall be of sufficient
7 size to be readable from outside the vehicle.

8 (4) The seal or other identification of the issuing
9 authority.

10 b. One side of the placard shall contain all of the
11 following information:

12 (1) A statement printed on it as follows: "Unauthorized
13 use of this placard as indicated in Iowa Code chapter 321L may
14 result in a fine, invalidation of the placard, or revocation
15 of the right to use the placard. This placard shall be
16 displayed only when the vehicle is parked in a handicapped
17 parking space."

18 (2) The return address and telephone number of the
19 department.

20 4. A removable windshield placard shall only be displayed
21 when the vehicle is parked in a handicapped parking space.

22 5. A person obtaining a handicapped parking permit
23 pursuant to this section, other than a person obtaining a
24 removable windshield placard issued under subsection 1,
25 paragraph "b", and a person issued a temporary removable
26 windshield placard pursuant to this section shall be required
27 to have a handicapped designation on the face of the person's
28 motor vehicle license or if the person does not have or is not
29 eligible for a motor vehicle license, the person shall apply
30 for a nonoperator's identification card with a handicapped
31 designation. A handicapped person who has been issued a
32 handicapped parking permit pursuant to this section shall
33 carry the motor vehicle license or nonoperator's
34 identification card in the person's possession at all times
35 when the handicapped parking permit is being used.

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

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

5 Handicapped identification-hanging-devices parking permits
6 shall be returned to the department upon the occurrence of any
7 of the following:

8 1. The person to whom the device handicapped parking
9 permit has been issued is deceased.

10 2. The person to whom the device handicapped parking
11 permit has been issued has moved out of state.

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

15 4. The temporary-device handicapped parking permit has
16 expired.

17 5. The device handicapped parking permit has been
18 invalidated revoked.

19 6. The device handicapped parking permit reported lost or
20 stolen under-section-321B.27-subsection-17, is later found or
21 retrieved after a subsequent device handicapped parking permit
22 has been issued.

23 A person who fails to return the handicapped identification
24 hanging-device-as-stipulated-above parking permit and
25 subsequently misuses the device permit by illegally parking in
26 a handicapped parking space is guilty of a simple misdemeanor
27 and subject to a fine of up to one hundred dollars shall-be
28 imposed-on-the-person.

29 Devices Handicapped parking permits may be returned to the
30 department as required by this section either directly to the
31 department or-through to a driver motor vehicle license
32 station or any law enforcement office.

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

35 321L.4 HANDICAPPED PARKING -- DISPLAY AND USE OF DEVICE

1 PARKING PERMIT AND HANDICAPPED IDENTIFICATION DESIGNATION.

2 1. A handicapped identification-device parking permit
3 shall be displayed in a motor vehicle as a hanging-device
4 removable windshield placard or on a motor vehicle as a plate
5 or sticker as provided in section 321L.2 when being used by a
6 handicapped person, either as an operator or passenger. Each
7 hanging-device removable windshield placard shall be of
8 uniform design and fabricated of durable material, suitable
9 for display from within the passenger compartment of a motor
10 vehicle, and readily transferable from one vehicle to another.
11 The placard shall only be displayed when the motor vehicle is
12 parked in a handicapped parking space.

13 2. The use of a handicapped parking space, located on
14 either public or private property as provided in sections
15 321L.5 and 321L.6, by a motor vehicle not displaying a
16 handicapped identification-device parking permit; by a motor
17 vehicle displaying such a device handicapped parking permit
18 but not being used by a handicapped person, as an operator or
19 passenger in possession of a motor vehicle license with a
20 handicapped designation or a nonoperator's identification card
21 with a handicapped designation, other than a person issued a
22 permit or being transported in accordance with section 321L.2,
23 subsection 1, paragraph "b", 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 parking permit, which is a misdemeanor
27 for which a fine shall be imposed upon the owner, operator, or
28 lessee of the motor vehicle or the purchaser of person to whom
29 the handicapped identification-device parking permit is
30 issued. The fine for each violation shall be fifty dollars.
31 Proof of conviction of two or more violations involving
32 improper use of a handicapped identification-device parking
33 permit is grounds for revocation by the court or the
34 department of the holder's privilege to possess or use the
35 device handicapped parking permit.

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

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

6 c. An entity providing off-street nonresidential parking
7 as a lessor shall provide a handicapped parking space to an
8 individual requesting to lease a parking space, if that
9 individual possesses a permanent handicapped identification
10 device parking permit issued in accordance with section
11 321L.2.

12 Sec. 11. Section 321L.5, subsection 4, paragraph b, Code
13 1995, is amended to read as follows:

14 b. Upon petition by an individual possessing a permanent
15 handicapped identification-device parking permit issued in
16 accordance with section 321L.2, the city shall review
17 utilization and location of existing handicapped parking
18 spaces for a one-month period but not more than once every
19 twelve months. If, upon review, the average occupancy rate
20 for handicapped parking spaces exceeds sixty percent during
21 normal business hours, the city shall provide additional
22 handicapped parking spaces as needed.

23 Sec. 12. Section 321L.8, Code 1995, is amended to read as
24 follows:

25 321L.8 HANDICAPPED IDENTIFICATION-DEVICES PARKING PERMITS
26 AND PARKING -- RULES.

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

29 a. Establishing procedures for applying to the department
30 for issuance of permanent-or-temporary handicapped
31 identification-devices parking permits under this chapter.

32 b. Governing the manner in which handicapped
33 identification-devices parking permits are to be displayed in
34 or on motor vehicles.

35 c. Regarding enforcement of this chapter.

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

4 Sec. 13. Section 321L.9, Code 1995, is amended to read as
5 follows:

6 321L.9 RECIPROCITY.

7 Handicapped identification-devices parking permits issued
8 lawfully by other states and foreign governmental bodies or
9 their political subdivisions shall be valid handicapped
10 identification-devices parking permits for nonresidents
11 traveling or visiting in this state.

12 Sec. 14. IMPLEMENTATION.

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

19 2. A person who has been issued handicapped registration
20 plates or handicapped identification stickers shall apply for
21 a handicapped designation on the person's motor vehicle
22 license or on the person's nonoperator's identification card
23 as provided in section 321L.2, the next time the person's
24 motor vehicle license is issued or renewed or when application
25 is made for a 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, 1997.

30 Sec. 15. 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 many of which are to conform to
34 federal requirements. The bill changes the definition of
35 "handicapped person" to conform to the federal definition.

1 The bill authorizes the use of handicapped parking stickers on
2 all registration plates.

3 The bill changes the name of the handicapped identification
4 device to a removable windshield placard and changes the
5 length of time for which the placard is valid. Current law
6 allows for issuance of a permanent device which is valid for
7 the lifetime of the person to whom it is issued and a
8 temporary device which is valid for three months. This bill
9 strikes the permanent device and instead provides that a
10 regular placard must be renewed at the time the person's motor
11 vehicle license or nonoperator's identification card is
12 renewed, a maximum of every four years. A temporary placard
13 is valid for the length of time as determined by the
14 physician's or chiropractor's statement not to exceed six
15 months.

16 This bill provides for a \$1,000 civil penalty for a person,
17 including a physician or chiropractor, who provides false
18 information with the intent to defraud on the statement used
19 to establish that a person is handicapped.

20 The bill requires that a handicapped person who wishes to
21 use a handicapped parking space must have a handicapped
22 designation on the person's motor vehicle license or
23 nonoperator's identification card. The bill provides that a
24 placard shall only be displayed when the person is actually
25 parked in a handicapped parking space.

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

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

1 time the person's motor vehicle license is issued or renewed.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

**SENATE FILE 2085
FISCAL NOTE**

A fiscal note for Senate File 2085 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 2085 changes the definition of "handicapped person" to conform with the federal definition. The Bill also:

1. Authorizes the use of handicapped parking stickers on all registration plates.
2. Changes the name of the handicapped identification device to a removable windshield placard.
3. Changes the length of time a placard is valid to up to six months from the current three months.
4. Eliminates the lifetime permanent device and requires that individuals reapply every two or four years when they renew their driver's license.
5. Requires that a handicapped person who wishes to use a handicapped parking space must have a handicapped designation on the person's driver's license or nonoperator's identification card.
6. Provides for a civil penalty of \$1,000 for a person, including a physician or chiropractor, who provides false information with the intent to defraud on the statement used to establish that a person is handicapped.
7. Provides for enforcement of the provisions authorizing handicapped permits by a peace officer on public or private property.

FISCAL EFFECT

The costs to the Department of Transportation would be between \$115,000 and \$120,000 annually.

This includes costs for new application forms, new placards, and Polaroid software changes to fit the new symbol on the driver's license or nonoperator's identification card. However, additional computer programming costs of \$22,000 are not included, as the Department should be able to prioritize its programming needs and absorb these costs.

(LSB 3002SS, DLR)

FILED FEBRUARY 13, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2085

S-5382

1 Amend Senate File 2085 as follows:

2 1. Page 4, line 32, by inserting after the figure
3 "321L.8." the following: "A person may be eligible
4 for either a temporary, four-year, or an eight-year
5 handicapped parking permit. An eight-year permit
6 shall only be issued if the nature of the person's
7 disability is such that the person's condition is
8 permanent and irrevocable."

9 2. Page 5, line 28, by striking the word "or".

10 3. Page 5, line 32, by inserting after the word
11 "years" the following: ", or a semipermanent
12 removable windshield placard, which shall be valid for
13 a period of up to eight years. A person may be
14 eligible for a semipermanent removable windshield
15 placard if the physician's or chiropractor's statement
16 indicates that the person is permanently and
17 irrevocably handicapped".

18 4. Page 12, by inserting after line 30, the
19 following:

20 "Sec. ____ . The department shall work with the
21 American medical association and other groups to
22 educate physicians and chiropractors regarding the
23 chiropractors' and physicians' statements required for
24 issuance of a handicapped parking permit and the
25 requirements under section 321L.2 for issuance of a
26 handicapped parking permit. If possible, this
27 education effort shall be included within relevant
28 continuing education curriculum."

By JIM LIND

S-5382 FILED MARCH 18, 1996

ADOPTED

H-3/19/96 Transportation
H-3/21/96 Amend/Do Pass
H 5512

SENATE FILE 2085
BY MURPHY

(AS AMENDED AND PASSED BY THE SENATE MARCH 18, 1996)

_____ - New Language by the Senate

* - Language Stricken by the Senate

Re-Passed Senate, Date 4/3/96 (p1225) Passed House, Date 4/2/96
Vote: Ayes 50 Nays 0 Vote: Ayes 98 Nays 0
Approved 4/25/96
(P.1332) Re-Passed 4-11-96
Vote 49-0

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:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

S.F. 2085

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 Supplement
27 1995, is 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 department shall validate
14 the handicapped plates in the same manner as regular
15 registration plates are validated under this section at the
16 regular annual registration fee. However, the handicapped
17 plates shall not be renewed without the applicant furnishing
18 evidence to the department that the owner of the motor vehicle
19 or the owner's child is still a handicapped person as defined
20 in section 321L.17--~~unless the applicant has previously~~
21 ~~provided satisfactory evidence to the department that the~~
22 ~~owner of the vehicle or the owner's child is permanently~~
23 ~~handicapped in which case the furnishing of additional~~
24 ~~evidence shall not be required for renewal.--~~ However, an An
25 owner who has a child who is a handicapped person shall
26 provide satisfactory evidence to the department that the
27 handicapped child continues to reside with the owner. The
28 handicapped registration plates shall be surrendered in
29 exchange for regular registration plates when the owner of the
30 motor vehicle or the owner's child no longer qualifies as a
31 handicapped person as defined in section 321L.1 or when the
32 owner's child who is a handicapped person no longer resides
33 with the owner.

34 Sec. 3. Section 321.166, subsection 6, Code Supplement
35 1995, is amended to read as follows:

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

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

9 4. "Handicapped identification-device"-or-"device" parking
10 permit" means an-identification-device a permit bearing the
11 international symbol of accessibility issued by the department
12 which allows the holder to park in a handicapped parking
13 space, and includes a the following:

14 a. A handicapped registration plate issued to or for a
15 handicapped person under section 321.34, subsection 77-a.

16 b. A handicapped identification parking sticker affixed to
17 a registration plate issued to a disabled veteran under
18 section 321.166, subsection 6, and-a or to an operator under
19 section 321.34.

20 c. A handicapped identification-hanging-device removable
21 windshield placard which is a two-sided placard for hanging
22 from the rearview mirror when the motor vehicle is parked in a
23 handicapped parking space.

24 6. "Handicapped parking space" means a parking space,
25 including the access aisle, designated for use by only motor
26 vehicles displaying a handicapped identification-device
27 parking permit that meets the requirements of sections 321L.5
28 and 321L.6.

29 Sec. 5. Section 321L.1, subsection 7, Code 1995, is
30 amended by striking the subsection and inserting in lieu
31 thereof the following:

32 7. "Handicapped person" means a person with a disability
33 that limits or impairs the person's ability to walk. A person
34 shall be considered handicapped for purposes of this chapter
35 under the following circumstances:

1 a. The person cannot walk two hundred feet without
2 stopping to rest.

3 b. The person cannot walk without the use of, or
4 assistance from, a brace, cane, crutch, another person,
5 prosthetic device, wheelchair, or other assistive device.

6 c. The person is restricted by lung disease to such an
7 extent that the person's forced expiratory volume for one
8 second, when measured by spirometry, is less than one liter,
9 or the arterial oxygen tension is less than sixty mm/hg on
10 room air at rest.

11 d. The person uses portable oxygen.

12 e. The person has a cardiac condition to the extent that
13 the person's functional limitations are classified in severity
14 as class III or class IV according to standards set by the
15 American heart association.

16 f. The person is severely limited in the person's ability
17 to walk due to an arthritic, neurological, or orthopedic
18 condition.

19 Sec. 6. Section 321L.2, subsections 1 and 2, Code
20 Supplement 1995, are amended to read as follows:

21 1. a. A handicapped resident of the state desiring a
22 handicapped ~~identification-device~~ parking permit shall apply
23 to the department upon an application form furnished by the
24 department providing the applicant's name, address, date of
25 birth, and social security number and shall also provide a
26 statement from a physician licensed under chapter 148, 149,
27 150, or 150A, or a chiropractor licensed under chapter 151, or
28 a physician or chiropractor licensed to practice in a
29 contiguous state, written on the physician's or chiropractor's
30 stationery, stating the nature of the applicant's handicap and
31 such additional information as required by rules adopted by
32 the department under section 321L.8. A person may be eligible
33 for either a temporary, four-year, or an eight-year
34 handicapped parking permit. An eight-year permit shall only
35 be issued if the nature of the person's disability is such

1 that the person's condition is permanent and irrevocable. If
2 the person is applying for a temporary handicapped parking
3 permit, the physician's or chiropractor's statement shall
4 state the period of time during which the person is expected
5 to be handicapped and the period of time for which the permit
6 should be issued, not to exceed six months.

7 A handicapped person may apply for one of the following
8 handicapped parking permits:

9 (1) Handicapped-registration-plates-must-be-ordered
10 Handicapped registration plates. An applicant may order
11 handicapped registration plates pursuant to section 321.34,
12 subsection 7.

13 (2) Handicapped parking sticker. An applicant who owns a
14 motor vehicle for which the applicant has been issued
15 registration plates under section 321.34 or registration
16 plates as a seriously disabled veteran under section 321.105
17 may apply to the department for a handicapped parking sticker
18 to be affixed to the plates. The handicapped parking stickers
19 shall bear the international symbol of accessibility.

20 (3) Removable windshield placard. A handicapped person
21 may apply for either-one-temporary-or-one-permanent
22 handicapped-identification-hanging-device;--Persons-who-seek-a
23 permanent-handicapped-identification-device-shall-be-required
24 to-furnish-evidence-upon-initial-application-that-they-are
25 permanently-handicapped;--A-person-who-has-provided
26 satisfactory-evidence-to-the-department-that-the-person-is
27 permanently-handicapped-shall-not-be-required-to-furnish
28 evidence-of-being-handicapped-at-a-later-date,--unless-the
29 department-deems-it-necessary: a temporary removable
30 windshield placard which shall be valid for a period of up to
31 six months, as determined by the physician's or chiropractor's
*32 statement under this subsection, a removable windshield
33 placard which shall be valid for the period of time in which
34 the handicapped person's motor vehicle license or
35 nonoperator's identification card is valid, but no longer than

1 four years, or a semipermanent removable windshield placard,
2 which shall be valid for a period of up to eight years. A
3 person may be eligible for a semipermanent removable
4 windshield placard if the physician's or chiropractor's
5 statement indicates that the person is permanently and
6 irrevocably handicapped. Persons who seek only seeking
7 temporary handicapped-identification-stickers-or-hanging
8 devices removable windshield placards shall be required to
9 furnish evidence upon initial application that they are
10 temporarily handicapped and, in addition, furnish evidence at
11 three-month subsequent intervals that they remain temporarily
12 handicapped. Temporary handicapped-identification-stickers
13 and-hanging-devices removable windshield placards shall be of
14 a distinctively different color from permanent-handicapped
15 identification-stickers-and-hanging-devices removable
16 windshield placards. Persons seeking a removable windshield
17 placard shall be required to furnish evidence upon renewal of
18 the person's motor vehicle license or renewal of the person's
19 nonoperator's identification card that the person is still
20 handicapped. The department shall issue one additional
21 removable windshield placard upon the request of a handicapped
22 person.

23 b. The department may issue permanent-handicapped
24 identification-hanging-devices removable windshield placards
25 to the following in-accordance-with-rules-adopted-by-the
26 department:

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

29 (2) A person in the business of transporting the
30 handicapped or elderly.

31 One handicapped-identification-hanging-device removable
32 windshield placard may be issued for each vehicle used by the
33 organization or person for transporting the handicapped or
34 elderly. A handicapped-identification-hanging-device placard
35 issued under this paragraph shall be renewed every four years

1 from the date of issuance and shall be surrendered to the
2 department if the organization or person is no longer
3 providing the service for which the device placard was issued.
4 Notwithstanding section 321L.4, a person transporting
5 handicapped or elderly in a motor vehicle for which a
6 ~~handicapped-identification-hanging-device~~ placard has been
7 issued under this paragraph may display the device placard in
8 the motor vehicle and may use a handicapped parking space
9 while the motor vehicle is displaying the device placard. A
10 ~~handicapped-identification-hanging-device~~ placard issued under
11 this paragraph shall be of a distinctively different color
12 ~~from the handicapped-identification-hanging-devices~~ a placard
13 issued under paragraph "a". An organization issued a
14 removable windshield placard and a handicapped person being
15 transported under this subsection are exempt from the
16 handicapped designation requirement under section 321L.4.

17 c. A new ~~handicapped-identification-device~~ removable
18 windshield placard can be issued if the previously issued
19 device placard is reported lost, stolen, or damaged. The
20 device placard reported as being lost or stolen shall be
21 invalidated by the department. A device placard which is
22 damaged shall be returned to the department and exchanged for
23 a new device placard in accordance with rules adopted by the
24 department.

25 2. Any person providing false information with the intent
26 to defraud on the application for a handicapped ~~identification~~
27 ~~device-or~~ parking permit used in establishing proof under
28 subsection 1 is subject to a civil penalty of one thousand
29 dollars which may be imposed by the department. A physician
30 or chiropractor who provides false information with the intent
31 to defraud on the physician's or chiropractor's statement used
32 in establishing proof under subsection 1 is subject to a civil
33 penalty of one hundred thousand dollars which may be imposed
34 by the department, ~~-or-subject-to-invalidation-by-the~~
35 ~~department-of-the-device-issued-to-the-individual,-or-subject~~

1 ~~to both the civil penalty and invalidation.~~ In addition to
2 the civil penalty, the department shall revoke the permit
3 issued pursuant to this section.

4 Sec. 7. Section 321L.2, subsection 3, Code Supplement
5 1995, is amended by striking the subsection and inserting in
6 lieu thereof the following:

7 3. The removable windshield placard shall contain the
8 following information:

9 a. Each side of the placard shall include all of the
10 following:

11 (1) The international symbol of access, which is at least
12 three inches in height, centered on the placard, and is white
13 on a blue shield.

14 (2) An identification number.

15 (3) A date of expiration, which shall be of sufficient
16 size to be readable from outside the vehicle.

17 (4) The seal or other identification of the issuing
18 authority.

19 b. One side of the placard shall contain all of the
20 following information:

21 (1) A statement printed on it as follows: "Unauthorized
22 use of this placard as indicated in Iowa Code chapter 321L may
23 result in a fine, invalidation of the placard, or revocation
24 of the right to use the placard. This placard shall be
25 displayed only when the vehicle is parked in a handicapped
26 parking space."

27 (2) The return address and telephone number of the
28 department.

29 4. A removable windshield placard shall only be displayed
30 when the vehicle is parked in a handicapped parking space.

31 5. A person obtaining a handicapped parking permit
32 pursuant to this section, other than a person obtaining a
33 removable windshield placard issued under subsection 1,
34 paragraph "b", and a person issued a temporary removable
35 windshield placard pursuant to this section shall be required

1 to have a handicapped designation on the face of the person's
2 motor vehicle license or if the person does not have or is not
3 eligible for a motor vehicle license, the person shall apply
4 for a nonoperator's identification card with a handicapped
5 designation. A handicapped person who has been issued a
6 handicapped parking permit pursuant to this section shall
7 carry the motor vehicle license or nonoperator's
8 identification card in the person's possession at all times
9 when the handicapped parking permit is being used.

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

12 321L.3 RETURN OF HANDICAPPED IDENTIFICATION-DEVICES---
13 RETURN-OF-HANGING-DEVICES PARKING PERMITS.

14 Handicapped identification-hanging-devices parking permits
15 shall be returned to the department upon the occurrence of any
16 of the following:

17 1. The person to whom the device handicapped parking
18 permit has been issued is deceased.

19 2. The person to whom the device handicapped parking
20 permit has been issued has moved out of state.

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

24 4. The temporary-device handicapped parking permit has
25 expired.

26 5. The device handicapped parking permit has been
27 invalidated revoked.

28 6. The device handicapped parking permit reported lost or
29 stolen under-section-321B-27-subsection-17 is later found or
30 retrieved after a subsequent device handicapped parking permit
31 has been issued.

32 A person who fails to return the handicapped identification
33 hanging-device-as-stipulated-above parking permit and
34 subsequently misuses the device permit by illegally parking in
35 a handicapped parking space is guilty of a simple misdemeanor

1 and subject to a fine of up to one hundred dollars shall-be
2 imposed-on-the-person.

3 ~~Devices~~ Handicapped parking permits may be returned to the
4 department as required by this section either directly to the
5 department ~~or-through~~ to a driver motor vehicle license
6 station or any law enforcement office.

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

9 321L.4 HANDICAPPED PARKING -- DISPLAY AND USE OF ~~DEVICE~~
10 PARKING PERMIT AND HANDICAPPED IDENTIFICATION DESIGNATION.

11 1. A handicapped identification-device parking permit
12 shall be displayed in a motor vehicle as a hanging-device
13 removable windshield placard or on a motor vehicle as a plate
14 or sticker as provided in section 321L.2 when being used by a
15 handicapped person, either as an operator or passenger. Each
16 hanging-device removable windshield placard shall be of
17 uniform design and fabricated of durable material, suitable
18 for display from within the passenger compartment of a motor
19 vehicle, and readily transferable from one vehicle to another.
20 The placard shall only be displayed when the motor vehicle is
21 parked in a handicapped parking space.

22 2. The use of a handicapped parking space, located on
23 either public or private property as provided in sections
24 321L.5 and 321L.6, by a motor vehicle not displaying a
25 handicapped identification-device parking permit; by a motor
26 vehicle displaying such a device handicapped parking permit
27 but not being used by a handicapped person, as an operator or
28 passenger in possession of a motor vehicle license with a
29 handicapped designation or a nonoperator's identification card
30 with a handicapped designation, other than a person issued a
31 permit or being transported in accordance with section 321L.2,
32 subsection 1, paragraph "b", or by a motor vehicle in
33 violation of the rules adopted by the department under section
34 321L.8, constitutes improper use of a handicapped
35 identification-device parking permit, which is a misdemeanor

1 for which a fine shall be imposed upon the owner, operator, or
2 lessee of the motor vehicle or the purchaser-of person to whom
3 the handicapped identification-device parking permit is
4 issued. The fine for each violation shall be fifty dollars.
5 Proof of conviction of two or more violations involving
6 improper use of a handicapped identification-device parking
7 permit is grounds for revocation by the court or the
8 department of the holder's privilege to possess or use the
9 device handicapped parking permit.

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

13 Sec. 10. Section 321L.5, subsection 3, paragraph c, Code
14 1995, is amended to read as follows:

15 c. An entity providing off-street nonresidential parking
16 as a lessor shall provide a handicapped parking space to an
17 individual requesting to lease a parking space, if that
18 individual possesses a permanent handicapped identification
19 device parking permit issued in accordance with section
20 321L.2.

21 Sec. 11. Section 321L.5, subsection 4, paragraph b, Code
22 1995, is amended to read as follows:

23 b. Upon petition by an individual possessing a permanent
24 handicapped identification-device parking permit issued in
25 accordance with section 321L.2, the city shall review
26 utilization and location of existing handicapped parking
27 spaces for a one-month period but not more than once every
28 twelve months. If, upon review, the average occupancy rate
29 for handicapped parking spaces exceeds sixty percent during
30 normal business hours, the city shall provide additional
31 handicapped parking spaces as needed.

32 Sec. 12. Section 321L.8, Code 1995, is amended to read as
33 follows:

34 321L.8 HANDICAPPED IDENTIFICATION-DEVICES PARKING PERMITS
35 AND PARKING -- RULES.

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

3 a. Establishing procedures for applying to the department
4 for issuance of ~~permanent-or-temporary~~ handicapped
5 ~~identification-devices~~ parking permits under this chapter.

6 b. Governing the manner in which handicapped
7 ~~identification-devices~~ parking permits are to be displayed in
8 or on motor vehicles.

9 c. Regarding enforcement of this chapter.

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

13 Sec. 13. Section 321L.9, Code 1995, is amended to read as
14 follows:

15 321L.9 RECIPROCITY.

16 Handicapped ~~identification-devices~~ parking permits issued
17 lawfully by other states and foreign governmental bodies or
18 their political subdivisions shall be valid handicapped
19 ~~identification-devices~~ parking permits for nonresidents
20 traveling or visiting in this state.

21 Sec. 14. IMPLEMENTATION.

22 1. A person who has been issued a permanent removable
23 windshield placard prior to the effective date of this Act
24 shall apply for a new removable windshield placard the next
25 time the person's motor vehicle license is issued or renewed
26 as provided in section 321L.2, or when application is made for
27 a nonoperator's identification card.

28 2. A person who has been issued handicapped registration
29 plates or handicapped identification stickers shall apply for
30 a handicapped designation on the person's motor vehicle
31 license or on the person's nonoperator's identification card
32 as provided in section 321L.2, the next time the person's
33 motor vehicle license is issued or renewed or when application
34 is made for a nonoperator's identification card.

35 3. A person who has been issued a handicapped parking

1 permit, but who does not possess a valid Iowa motor vehicle
2 license, shall apply for a nonoperator's identification card
3 by January 1, 1997.

4 Sec. 15. Section 321L.10, Code 1995, is repealed.

5 Sec. 16. The department shall work with the American
6 medical association and other groups to educate physicians and
7 chiropractors regarding the chiropractors' and physicians'
8 statements required for issuance of a handicapped parking
9 permit and the requirements under section 321L.2 for issuance
10 of a handicapped parking permit. If possible, this education
11 effort shall be included within relevant continuing education
12 curriculum.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 2085

H-5512

- 1 Amend Senate File 2085, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. By striking page 4, line 32, through page 5,
4 line 1, and inserting the following: "the department
5 under section 321L.8. If".
- 6 2. Page 5, line 32, by striking the word
7 "subsection," and inserting the following:
8 "subsection or".
- 9 3. By striking page 5, line 33, through page 6,
10 line 6, and inserting the following: "placard which
11 shall be valid for a period of four years from the
12 date of issuance. A removable windshield placard
13 shall be renewed within thirty days of the date of
14 expiration. To renew the placard, the person shall
15 comply with the requirements for initial issuance of
16 the placard under this section. Persons who-~~seek-only~~
17 seeking".
- 18 4. Page 6, by striking lines 16 through 20 and
19 inserting the following: "windshield placards. The
20 department shall issue one additional".
- 21 5. Page 7, line 28, by striking the words "one
22 thousand" and inserting the following: "three
23 hundred".
- 24 6. Page 7, line 33, by striking the words "one
25 hundred thousand" and inserting the following: "one
26 three hundred".
- 27 7. Page 8, by inserting after line 28 the
28 following:
29 "(3) The signature of the person who has been
30 issued the placard and the signature of the physician
31 or chiropractor who made the determination that the
32 person was handicapped for purposes of issuance of the
33 placard."
- 34 8. Page 9, by inserting after line 9 the
35 following:
36 "6. The shape and color of the removable
37 windshield placard shall be changed and the placard
38 shall be reissued every four years."
- 39 9. Page 11, line 4, by striking the word "fifty"
40 and inserting the following: "fifty one hundred".
- 41 10. By striking page 12, line 22, through page
42 13, line 3, and inserting the following:
43 "1. The department shall begin the issuance of new
44 permanent windshield placards and handicapped
45 designations on motor vehicle licenses or
46 nonoperator's identification cards, as provided in
47 this Act, beginning January 1, 1997.
- 48 2. After January 1, 1998, only new windshield
49 placards issued by the department pursuant to this
50 chapter shall be valid and any other hanging device

H-5512

-1-

H-5512

Page 2

1 issued prior to January 1, 1997, shall be invalid.

2 3. A person who has been issued a hanging device
3 prior to January 1, 1997, shall apply for a new
4 removable windshield placard and handicapped
5 designation by January 1, 1998.

6 4. A person who has been issued handicapped
7 registration plates or handicapped identification
8 stickers shall apply for a handicapped designation on
9 the person's motor vehicle license or nonoperator's
10 identification card by January 1, 1998.

11 5. A person who has been issued a handicapped
12 parking permit, but who does not possess a valid Iowa
13 motor vehicle license, shall apply for a nonoperator's
14 identification card by January 1, 1998."

15 11. Page 13, by inserting after line 12 the
16 following:

17 "Sec. ____ . FUTURE REISSUANCE. The department
18 shall implement the reissuance of removable windshield
19 placards on January 1, 2001, and every four years
20 thereafter, in the same manner as provided for
21 reissuance in this Act."

22 12. By renumbering as necessary.

By COMMITTEE ON TRANSPORTATION
WELTER of Jones, Chairperson

H-5512 FILED MARCH 21, 1996

adopted
4/2/96
(p. 1299)

HOUSE AMENDMENT TO
SENATE FILE 2085

S-5630

1 Amend Senate File 2085, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 4, line 32, through page 5,
4 line 1, and inserting the following: "the department
5 under section 321L.8. If".
6 2. Page 5, line 32, by striking the word
7 "subsection," and inserting the following:
8 "subsection or".
9 3. By striking page 5, line 33, through page 6,
10 line 6, and inserting the following: "placard which
11 shall be valid for a period of four years from the
12 date of issuance. A removable windshield placard
13 shall be renewed within thirty days of the date of
14 expiration. To renew the placard, the person shall
15 comply with the requirements for initial issuance of
16 the placard under this section. Persons who seek only
17 seeking".
18 4. Page 6, by striking lines 16 through 20 and
19 inserting the following: "windshield placards. The
20 department shall issue one additional".
21 5. Page 7, line 28, by striking the words "one
22 thousand" and inserting the following: "three
23 hundred".
24 6. Page 7, line 33, by striking the words "one
25 hundred thousand" and inserting the following: "one
26 three hundred".
27 7. Page 8, by inserting after line 28 the
28 following:
29 "(3) The signature of the person who has been
30 issued the placard and the signature of the physician
31 or chiropractor who made the determination that the
32 person was handicapped for purposes of issuance of the
33 placard."
34 8. Page 9, by inserting after line 9 the
35 following:
36 "6. The shape and color of the removable
37 windshield placard shall be changed and the placard
38 shall be reissued every four years."
39 9. Page 11, line 4, by striking the word "fifty"
40 and inserting the following: "fifty one hundred".
41 10. By striking page 12, line 22, through page
42 13, line 3, and inserting the following:
43 "1. The department shall begin the issuance of new
44 permanent windshield placards and handicapped
45 designations on motor vehicle licenses or
46 nonoperator's identification cards, as provided in
47 this Act, beginning January 1, 1997.
48 2. After January 1, 1998, only new windshield
49 placards issued by the department pursuant to this
50 chapter shall be valid and any other hanging device
S 5630 -1-

S-5630

Page 2

1 issued prior to January 1, 1997, shall be invalid.

2 3. A person who has been issued a hanging device
3 prior to January 1, 1997, shall apply for a new
4 removable windshield placard and handicapped
5 designation by January 1, 1998.

6 4. A person who has been issued handicapped
7 registration plates or handicapped identification
8 stickers shall apply for a handicapped designation on
9 the person's motor vehicle license or nonoperator's
10 identification card by January 1, 1998.

11 5. A person who has been issued a handicapped
12 parking permit, but who does not possess a valid Iowa
13 motor vehicle license, shall apply for a nonoperator's
14 identification card by January 1, 1998."

15 11. Page 13, by inserting after line 12 the
16 following:

17 "Sec. ____ . FUTURE REISSUANCE. The department
18 shall implement the reissuance of removable windshield
19 placards on January 1, 2001, and every four years
20 thereafter, in the same manner as provided for
21 reissuance in this Act."

22 12. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5630 FILED APRIL 2, 1996

*Senate concurred in as amended*4/3/96
(p.1225)

SENATE FILE 2085

S-5664

1 Amend the House amendment, S-5630, to Senate File
2 2085, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 9 through 17 and
5 inserting the following:

6 " ____ . Page 6, by striking lines 1 through 6 and
7 inserting the following: "four years. Persons who
8 ~~seek-only seeking~~."

9 2. Page 1, by striking lines 18 through 20.

10 3. Page 1, by striking lines 27 through 33.

11 4. Page 1, by striking lines 34 through 38.

12 5. By striking page 1, line 41, through page 2,
13 line 21, and inserting the following:

14 " ____ . Page 13, line 3, by striking the figure
15 "1997" and inserting the following: "1998"."

16 6. By renumbering as necessary.

By BILL FINK

S-5664 FILED APRIL 3, 1996

ADOPTED (p.1225)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2085
H-5856

- 1 Amend the House amendment, S-5630, to Senate File
2 2085, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 9 through 17 and
5 inserting the following:
6 "____. Page 6, by striking lines 1 through 6 and
7 inserting the following: "four years. Persons who
8 ~~seek-only~~ seeking"."
9 2. Page 1, by striking lines 18 through 20.
10 3. Page 1, by striking lines 27 through 33.
11 4. Page 1, by striking lines 34 through 38.
12 5. By striking page 1, line 41, through page 2,
13 line 21, and inserting the following:
14 "____. Page 13, line 3, by striking the figure
15 "1997" and inserting the following: "1998"."
16 6. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5856 FILED APRIL 3, 1996

House Referred

4-9-96

(P. 1484)

Senate Referred

4-11-96

(P. 1332)

SENATE FILE 2085

AN ACT

RELATING TO HANDICAPPED PARKING AND PROVIDING A PENALTY.

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

Section 1. Section 321.23, subsection 4, Code 1995, 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 handicapped identification-device parking permit as provided in section 321L.2, if the handicapped identification-device parking permit is carried in or on the vehicle and shown to a peace officer on request.

Sec. 2. Section 321.34, subsection 7, Code Supplement 1995, 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, or who is the parent or guardian of a child who resides with the parent or guardian owner and who is a handicapped person, as defined in section 321L.1, may, upon written application to the department, order handicapped registration plates designed by the department bearing the international symbol of accessibility. The 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 or the applicant's child's handicap and such additional information as required by rules adopted by the department, including proof of residency of a child who is a handicapped person. If the application is approved by the department the handicapped registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The department shall validate the handicapped plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the handicapped plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle or the owner's child is still a handicapped person as defined in section 321L.1, ~~unless the applicant has previously provided satisfactory evidence to the department that the owner of the vehicle or the owner's child is permanently handicapped in which case the furnishing of additional evidence shall not be required for renewal.~~ However, an An owner who has a child who is a handicapped person shall provide satisfactory evidence to the department that the handicapped child continues to reside with the owner. The handicapped registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle or the owner's child no longer qualifies as a

handicapped person as defined in section 321L.1 or when the owner's child who is a handicapped person no longer resides with the owner.

Sec. 3. Section 321.166, subsection 6, Code Supplement 1995, 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 parking sticker if issued to the disabled veteran by the department under section 321L.2.

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

4. "Handicapped identification-device--or--device parking permit" means an identification-device a permit bearing the international symbol of accessibility issued by the department which allows the holder to park in a handicapped parking space, and includes a the following:

a. A handicapped registration plate issued to or for a handicapped person under section 321.34, subsection 77-a.

b. A handicapped identification parking sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, and-a or to an operator under section 321.34.

c. A handicapped identification-hanging-device removable windshield placard which is a two-sided placard for hanging from the rearview mirror when the motor vehicle is parked in a handicapped parking space.

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

Sec. 5. Section 321L.1, subsection 7, Code 1995, is amended by striking the subsection and inserting in lieu thereof the following:

7. "Handicapped person" means a person with a disability that limits or impairs the person's ability to walk. A person shall be considered handicapped for purposes of this chapter under the following circumstances:

a. The person cannot walk two hundred feet without stopping to rest.

b. The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device.

c. The person is restricted by lung disease to such an extent that the person's forced expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest.

d. The person uses portable oxygen.

e. The person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association.

f. The person is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

Sec. 6. Section 321L.2, subsections 1 and 2, Code Supplement 1995, are amended to read as follows:

1. a. A handicapped resident of the state desiring a handicapped identification-device parking permit 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, or a physician or chiropractor licensed to practice in a contiguous state, 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. If the person is

applying for a temporary handicapped parking permit, the physician's or chiropractor's statement shall state the period of time during which the person is expected to be handicapped and the period of time for which the permit should be issued, not to exceed six months.

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

(1) Handicapped registration plates must be ordered. Handicapped registration plates. An applicant may order handicapped registration plates pursuant to section 321.34, subsection 7.

(2) Handicapped parking sticker. An applicant who owns a motor vehicle for which the applicant has been issued registration plates under section 321.34 or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped parking sticker to be affixed to the plates. The handicapped parking stickers shall bear the international symbol of accessibility.

(3) Removable windshield placard. 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. A temporary removable windshield placard which shall be valid for a period of up to six months, as determined by the physician's or chiropractor's statement under this subsection or a removable windshield placard which shall be valid for a period of four years from the date of issuance. A removable windshield placard shall be renewed within thirty days of the date of expiration. To renew the placard, the person shall comply with the requirements for initial issuance of the placard under this

section. Persons who seek only seeking temporary handicapped identification stickers or hanging devices removable windshield placards shall be required to furnish evidence upon initial application that they are temporarily handicapped and, in addition, furnish evidence at three-month subsequent intervals that they remain temporarily handicapped. Temporary handicapped identification stickers and hanging devices removable windshield placards shall be of a distinctively different color from permanent handicapped identification stickers and hanging devices removable windshield placards. The department shall issue one additional removable windshield placard upon the request of a handicapped person.

b. The department may issue permanent handicapped identification hanging devices removable windshield placards to the following in accordance with rules adopted by the department:

- (1) An organization which has a program for transporting the handicapped or elderly.
- (2) A person in the business of transporting the handicapped or elderly.

One handicapped identification hanging device removable windshield placard may be issued for each vehicle used by the organization or person for transporting the handicapped or elderly. A handicapped identification hanging device placard issued under this paragraph shall be renewed every four years from the date of issuance and shall be surrendered to the department if the organization or person is no longer providing the service for which the device placard was issued. Notwithstanding section 321L.4, a person transporting handicapped or elderly in a motor vehicle for which a handicapped identification hanging device placard has been issued under this paragraph may display the device placard in the motor vehicle and may use a handicapped parking space while the motor vehicle is displaying the device placard. A handicapped identification hanging device placard issued under this paragraph shall be of a distinctively different color

from the handicapped-identification-hanging-devices a placard issued under paragraph "a". An organization issued a removable windshield placard and a handicapped person being transported under this subsection are exempt from the handicapped designation requirement under section 321L.4.

c. A new handicapped-identification-device removable windshield placard can be issued if the previously issued device placard is reported lost, stolen, or damaged. The device placard reported as being lost or stolen shall be invalidated by the department. A device placard which is damaged shall be returned to the department and exchanged for a new device placard 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 parking permit used in establishing proof under subsection 1 is subject to a civil penalty of three hundred dollars which may be imposed by the department. A physician or chiropractor who provides false information with the intent to defraud on the physician's or chiropractor's statement used in establishing proof under subsection 1 is subject to a civil penalty of one three 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. In addition to the civil penalty, the department shall revoke the permit issued pursuant to this section.

Sec. 7. Section 321L.2, subsection 3, Code Supplement 1995, is amended by striking the subsection and inserting in lieu thereof the following:

3. The removable windshield placard shall contain the following information:

a. Each side of the placard shall include all of the following:

(1) The international symbol of access, which is at least three inches in height, centered on the placard, and is white on a blue shield.

(2) An identification number.

(3) A date of expiration, which shall be of sufficient size to be readable from outside the vehicle.

(4) The seal or other identification of the issuing authority.

b. One side of the placard shall contain all of the following information:

(1) A statement printed on it as follows: "Unauthorized use of this placard as indicated in Iowa Code chapter 321L may result in a fine, invalidation of the placard, or revocation of the right to use the placard. This placard shall be displayed only when the vehicle is parked in a handicapped parking space."

(2) The return address and telephone number of the department.

(3) The signature of the person who has been issued the placard and the signature of the physician or chiropractor who made the determination that the person was handicapped for purposes of issuance of the placard.

4. A removable windshield placard shall only be displayed when the vehicle is parked in a handicapped parking space.

5. A person obtaining a handicapped parking permit pursuant to this section, other than a person obtaining a removable windshield placard issued under subsection 1, paragraph "b", and a person issued a temporary removable windshield placard pursuant to this section shall be required to have a handicapped designation on the face of the person's motor vehicle license or if the person does not have or is not eligible for a motor vehicle license, the person shall apply for a nonoperator's identification card with a handicapped designation. A handicapped person who has been issued a handicapped parking permit pursuant to this section shall carry the motor vehicle license or nonoperator's identification card in the person's possession at all times when the handicapped parking permit is being used.

6. The shape and color of the removable windshield placard shall be changed and the placard shall be reissued every four years.

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

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

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

1. The person to whom the device handicapped parking permit has been issued is deceased.
2. The person to whom the device handicapped parking permit has been issued has moved out of state.
3. A person has found or has in the person's possession a hanging-device handicapped parking permit that was not issued to that person.
4. The temporary-device handicapped parking permit has expired.
5. The device handicapped parking permit has been invalidated revoked.
6. The device handicapped parking permit reported lost or stolen under-section-321b-27-subsection-17 is later found or retrieved after a subsequent device handicapped parking permit has been issued.

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

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

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

321L.4 HANDICAPPED PARKING -- DISPLAY AND USE OF DEVICE
PARKING PERMIT AND HANDICAPPED IDENTIFICATION DESIGNATION.

1. A handicapped identification-device parking permit shall be displayed in a motor vehicle as a hanging-device removable windshield placard 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 removable windshield placard 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. The placard shall only be displayed when the motor vehicle is parked in a handicapped parking space.

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 parking permit; by a motor vehicle displaying such a device handicapped parking permit but not being used by a handicapped person-as-an-operator-or passenger in possession of a motor vehicle license with a handicapped designation or a nonoperator's identification card with a handicapped designation, other than a person issued a permit or being transported in accordance with section 321L.2, subsection 1, paragraph "b", 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 parking permit, 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 person to whom the handicapped identification-device parking permit is issued. The fine for each violation shall be fifty one hundred dollars. Proof of conviction of two or more violations involving improper use of a handicapped identification-device parking permit is grounds for revocation

by the court or the department of the holder's privilege to possess or use the device handicapped parking permit.

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

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

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

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

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

Sec. 12. Section 321L.8, Code 1995, is amended to read as follows:

321L.8 HANDICAPPED IDENTIFICATION-DEVICES PARKING PERMITS 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 parking permits under this chapter.

b. Governing the manner in which handicapped identification-devices parking permits 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. 13. Section 321L.9, Code 1995, is amended to read as follows:

321L.9 RECIPROCITY.

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

Sec. 14. IMPLEMENTATION.

1. The department shall begin the issuance of new permanent windshield placards and handicapped designations on motor vehicle licenses or nonoperator's identification cards, as provided in this Act, beginning January 1, 1997.

2. After January 1, 1998, only new windshield placards issued by the department pursuant to this chapter shall be valid and any other hanging device issued prior to January 1, 1997, shall be invalid.

3. A person who has been issued a hanging device prior to January 1, 1997, shall apply for a new removable windshield placard and handicapped designation by January 1, 1998.

4. A person who has been issued handicapped registration plates or handicapped identification stickers shall apply for a handicapped designation on the person's motor vehicle license or nonoperator's identification card by January 1, 1998.

5. A person who has been issued a handicapped parking permit, but who does not possess a valid Iowa motor vehicle license, shall apply for a nonoperator's identification card by January 1, 1998.

Sec. 15. Section 321L.10, Code 1995, is repealed.

Sec. 16. The department shall work with the American medical association and other groups to educate physicians and chiropractors regarding the chiropractors' and physicians'

statements required for issuance of a handicapped parking permit and the requirements under section 321L.2 for issuance of a handicapped parking permit. If possible, this education effort shall be included within relevant continuing education curriculum.

Sec. 17. FUTURE REISSUANCE. The department shall implement the reissuance of removable windshield placards on January 1, 2001, and every four years thereafter, in the same manner as provided for reissuance in this Act.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2085, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/25, 1996

TERRY E. BRANSTAD
Governor

SF 2085