

FEB 23 1999

TRANSPORTATION

HOUSE FILE
BY HORBACH

352

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

A BILL FOR

1 An Act providing for the use of wheelchair parking cones and
2 providing for penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 352

1 Section 1. Section 321L.2, subsection 3, paragraph b,
2 subparagraph (1), Code 1999, is amended to read as follows:
3 (1) A statement printed on it as follows: "Unauthorized
4 use of this placard as indicated in Iowa Code chapter 321L may
5 result in a fine, invalidation of the placard, or revocation
6 of the right to use the placard. This placard shall be
7 displayed only when the vehicle is parked in a persons with
8 disabilities parking space or in a parking space not
9 designated as a persons with disabilities parking space if a
10 wheelchair parking cone is used pursuant to Iowa Code section
11 321L.2A."

12 Sec. 2. Section 321L.2A, Code 1999, is amended to read as
13 follows:

14 321L.2A WHEELCHAIR PARKING CONE.

15 1. A person issued a persons with disabilities parking
16 permit under section 321L.2 who uses a wheelchair may park in
17 a persons with disabilities parking space, or a parking space
18 not designated as a persons with disabilities parking space,
19 and reserve up to an eight foot space adjacent to the motor
20 vehicle for the purpose of exiting and entering the motor
21 vehicle if all of the following conditions are met:

22 a. The person places a wheelchair parking cone within
23 eight feet of the motor vehicle's entry.

24 b. The person displays the persons with disabilities
25 parking permit in the motor vehicle as described in section
26 321L.4.

27 c. The motor vehicle and the wheelchair parking cone do
28 not obstruct an aisle, street, or roadway so that other
29 vehicles are unable to pass through the aisle, street, or
30 roadway.

31 d. The parking space is provided by the state, a political
32 subdivision of the state, or an entity providing
33 nonresidential parking.

34 2. A person issued a persons with disabilities parking
35 permit who does not comply with the requirements of subsection

1 1 when using a wheelchair parking cone commits a misdemeanor
2 punishable by a scheduled fine under section 805.8, subsection
3 2, paragraph "a".

4 3. A person shall not interfere with a wheelchair parking
5 cone properly placed under subsection 1. A violation of this
6 subsection is a misdemeanor punishable by a scheduled fine
7 under section 805.8, subsection 2, paragraph "a".

8 4. The department, upon the request of a person issued a
9 persons with disabilities parking permit under section 321L.2
10 who uses a wheelchair, shall provide the person with a list of
11 names and addresses of vendors who sell wheelchair parking
12 cones bearing the international symbol of accessibility and
13 the words "wheelchair parking space".

14 5. The department shall adopt rules as necessary to
15 administer this section.

16 Sec. 3. Section 321L.4, subsection 1, Code 1999, is
17 amended to read as follows:

18 1. A persons with disabilities parking permit shall be
19 displayed in a motor vehicle as a removable windshield placard
20 or on a motor vehicle as a plate or sticker as provided in
21 section 321L.2 when being used by a person with a disability,
22 either as an operator or passenger. Each removable windshield
23 placard shall be of uniform design and fabricated of durable
24 material, suitable for display from within the passenger
25 compartment of a motor vehicle, and readily transferable from
26 one vehicle to another. The placard shall only be displayed
27 when the motor vehicle is parked in a persons with
28 disabilities parking space, except as provided in section
29 321L.2A.

30 Sec. 4. Section 805.8, subsection 2, paragraph a, Code
31 1999, is amended to read as follows:

32 a. For parking violations under sections 321.236, 321.239,
33 321.358, 321.360, and 321.361, the scheduled fine is five
34 dollars. The scheduled fine for a parking violation of
35 section 321.236 increases in an amount up to ten dollars, as

1 authorized by ordinance pursuant to section 321.236,
2 subsection 1, paragraph "a", if the parking violation is not
3 paid within thirty days of the date upon which the violation
4 occurred. For purposes of calculating the unsecured
5 appearance bond required under section 805.6, the scheduled
6 fine shall be five dollars. However, violations charged by a
7 city or county upon simple notice of a fine instead of a
8 uniform citation and complaint as permitted by section
9 321.236, subsection 1, paragraph "a", are not scheduled
10 violations, and this section shall not apply to any offense
11 charged in that manner. For a parking violation under section
12 321.362 or 461A.38 the scheduled fine is ten dollars. For a
13 parking violation under section 321L.2A, subsection 2, the
14 scheduled fine is twenty dollars. For interference with a
15 wheelchair parking cone under section 321L.2A, subsection 3,
16 or a parking violation under section 321L.4, subsection 2, the
17 scheduled fine is one hundred dollars.

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EXPLANATION

19 This bill amends Code section 321L.2A to provide that a
20 person issued a persons with disabilities parking permit who
21 uses a wheelchair may park in certain parking spaces and
22 reserve up to an eight foot space adjacent to the motor
23 vehicle for purposes of exiting and entering the motor vehicle
24 if several conditions are met. The person must place a
25 wheelchair parking cone within eight feet of the motor
26 vehicle's entry and display the persons with disabilities
27 parking permit in the motor vehicle in the manner provided in
28 Code section 321L.4. The motor vehicle and the wheelchair
29 parking cone must not obstruct an aisle, street, or roadway so
30 that other vehicles are unable to pass through the aisle,
31 street, or roadway and the parking space must be provided by
32 the state, a political subdivision of the state, or an entity
33 providing nonresidential parking, whether or not designated as
34 a persons with disabilities parking space. A person issued a
35 persons with disabilities parking permit who does not meet

1 these requirements when using a wheelchair parking cone is
2 subject to a scheduled fine of \$20 under Code section 805.8.
3 A person who interferes with a wheelchair parking cone
4 properly placed is subject to a scheduled fine of \$100 under
5 Code section 805.8.

6 | Code section 321L.2A currently provides that the department
7 of transportation shall provide, upon request of a person
8 issued a persons with disabilities parking permit who uses a
9 wheelchair, a list of names and addresses of vendors who sell
10 wheelchair parking cones.

11 | The bill also makes coordinating amendments to Code
12 sections 321L.2 and 321L.4, relating to the use of persons
13 with disabilities parking permits. The bill modifies a
14 requirement that a permit only be displayed when the motor
15 vehicle is parked in a persons with disabilities parking space
16 and a provision that the requirement be included in
17 information contained on a removable windshield placard to
18 provide an exception for persons parking in other spaces
19 pursuant to Code section 321L.2A as amended.

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