

**House File 2142 - Introduced**

HOUSE FILE 2142  
BY FREVERT

**A BILL FOR**

1 An Act relating to park user permits and fees, providing  
2 penalties, making an appropriation, and including repeal and  
3 effective date provisions.

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

1 Section 1. Section 461A.35A, Code 2009, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 **461A.35A Park user permits — exceptions — penalties.**

5 1. *Definitions.* As used in this section, unless the context  
6 otherwise requires:

7 a. "*State land*" means a state park or recreation area or  
8 state forest or parts of state park or recreation area or state  
9 forest under the jurisdiction of the commission.

10 b. "*Motor vehicle*" means a motor vehicle required to be  
11 registered under chapter 321 or a nonresident motor vehicle  
12 which is registered in another state.

13 2. *Exempt motor vehicles.* This section does not apply to  
14 the following motor vehicles:

15 a. Official government motor vehicles, or motor vehicles  
16 operated by state, county, city, and federal employees  
17 and agents while in the performance of official government  
18 business.

19 b. Motor vehicles operated by family members and guests  
20 of a department employee residing at an area subject to the  
21 park user permit requirement. The department shall provide  
22 for temporary devices to identify the motor vehicles of such  
23 guests.

24 c. A motor vehicle moving on highways within or through  
25 state land.

26 d. A motor vehicle transporting employees or furnishing  
27 services or supplies to the department or a designated  
28 concessionaire.

29 e. A motor vehicle displaying a persons with disabilities  
30 identification device issued under chapter 321L.

31 f. A motor vehicle operated by a person who receives food  
32 stamps or is a recipient of medical assistance under chapter  
33 249A.

34 g. A motor vehicle operated by a person who is sixty-five  
35 years of age or older.

1     *h.* Any vehicle towed behind or carried on another motor  
2 vehicle.

3     *i.* A school bus as defined in section 321.1.

4     3. *Park user permits required.* A person shall not park  
5 a motor vehicle on state land where a park user permit is  
6 required to be displayed unless a park user permit is attached  
7 to the motor vehicle as required by this section. The  
8 requirement of a park user permit applies to all state land  
9 designated by the commission. The commission shall designate,  
10 by rule adopted pursuant to chapter 17A, all or parts of state  
11 land where the display of a park user permit is required.  
12 However, the requirement to display a park user permit shall  
13 not apply to any land acquired by gift if a condition of the  
14 gift is the free, public use of the land. The rules shall  
15 provide for the display of the park user permit on a motor  
16 vehicle and may specify time periods during which a park user  
17 permit is not required to be displayed in order to park on  
18 designated state land. A park user permit is not transferable  
19 between motor vehicles. However, if the ownership of a motor  
20 vehicle is transferred, the commission, by rule, shall provide  
21 for the return and issuance of a new annual park user permit  
22 with credit given for the remainder of the calendar year.

23     4. *Period of validity — fees.* The user permit issued by  
24 the department is valid for either the calendar year in which  
25 issued or for twenty-four hours from the time of purchase. The  
26 fee for a calendar year permit is ten dollars and the fee for  
27 a daily permit is two dollars.

28     5. *Issuance of park user permits.* The park user permits  
29 shall be issued by the department or the depositaries as  
30 specified by rules of the commission. A county recorder  
31 may issue park user permits subject to the rules of the  
32 commission. The rules shall include the application procedures  
33 as necessary, shall provide for the issuance of the permits  
34 on designated state lands and at times and other locations of  
35 convenience to park users, and shall provide for the issuance

1 of additional resident permits for motor vehicles owned or  
2 ordinarily driven by immediate family members residing at the  
3 same address as the person issued the first annual permit.  
4 The park user permits shall show the cost of the permit and a  
5 writing fee of fifty cents each if sold by a county recorder or  
6 a depository. The director may designate depositories for the  
7 sale of park user permits but the interest of the state shall  
8 be fully protected. A county recorder shall be responsible for  
9 all fees for the issuance of park user permits sold through  
10 the recorder's office. All unused park user permits shall be  
11 surrendered to the department upon request of the director. A  
12 duplicate park user permit shall not be issued.

13 6. *Enforcement — civil and criminal penalty.*

14 a. A full-time or temporary officer of the commission who  
15 observes a motor vehicle parked in violation of this section  
16 shall take the vehicle's registration number and may take other  
17 information displayed on the vehicle which may identify its  
18 operator and deliver to the operator or conspicuously affix to  
19 the motor vehicle a written citation of violation on a form  
20 provided by the commission. A person who receives the citation  
21 or knows that a citation has been affixed to the motor vehicle  
22 owned or controlled by the person shall pay a civil penalty of  
23 twenty dollars to the department within twenty days. However,  
24 purchase of an annual permit within twenty days shall be a bar  
25 to prosecution for that violation. If an annual permit is not  
26 timely purchased, the department shall cause a complaint to be  
27 filed against the owner or operator of the motor vehicle before  
28 a magistrate for the violation of this section in the manner  
29 provided in section 804.1. All civil penalties collected under  
30 this subsection shall be deposited in the general fund of the  
31 state.

32 b. If a complaint is issued for a violation of this section  
33 and a plea of guilty is entered on or before the time and date  
34 set for appearance, the fine shall be twenty dollars, but the  
35 court costs and criminal penalty surcharge specified in section

1 911.1 shall not be imposed.

2 c. If a complaint is issued for a violation of this section  
3 and the defendant is found guilty, the fine shall be twenty  
4 dollars. Court costs and the criminal penalty surcharge  
5 specified in section 911.1 shall also be imposed.

6 d. The commission shall provide its officers with sets  
7 of triplicate notices, each identified by separate serial  
8 numbers on each copy of the notice. One copy shall be used as  
9 a citation of violation and delivered to the person charged or  
10 affixed to the motor vehicle illegally parked, one copy shall  
11 be sworn to by the officer as a complaint and may be filed with  
12 the clerk of the district court of the county if an annual  
13 permit is not timely purchased, and one copy shall be retained  
14 by the department for record purposes.

15 7. *Remittance of park user fees — state conservation*  
16 *fund.* Each depositary and each participating county recorder  
17 shall remit to the department all fees from the sale of park  
18 user permits within ten days from the end of the month. The  
19 department shall remit the fees from the sales of park user  
20 permits to the treasurer of state who shall credit the moneys  
21 to the state conservation fund. Proceeds collected from the  
22 sale of park user permits are appropriated to the commission  
23 and shall be used solely for the establishment, maintenance,  
24 improvement, and beautification of public parks and preserves  
25 in the state. Notwithstanding section 12C.7, interest or  
26 earnings on investments or time deposits of the moneys in the  
27 state conservation fund received from the sales of park user  
28 permits shall be credited to the state conservation fund.

29 8. This section is repealed December 31, 2015.

30 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,  
31 2011.

32 EXPLANATION

33 This bill authorizes the natural resource commission to  
34 establish park user permits and fees to park certain motor  
35 vehicles on state lands under the jurisdiction of the natural

1 resource commission. The department of natural resources is  
2 authorized to issue daily permits that cost \$2 and yearly  
3 permits that cost \$10.

4 The park user permits shall be sold by the department, by  
5 county recorders, and by depositaries specified by rules of  
6 the commission with a writing fee of 50 cents each allowed for  
7 permits sold by a county recorder or a depositary.

8 A commission officer who observes a violation of the park  
9 user permit requirement may issue a citation of violation  
10 and affix it to the motor vehicle. A person who receives a  
11 citation of violation may purchase as annual park user permit  
12 within 20 days. Purchase of an annual permit in a timely  
13 manner is a bar to any criminal prosecution for a violation.

14 If an annual permit is not timely purchased, the department  
15 may issue a criminal complaint against the owner or operator of  
16 the motor vehicle. If a plea of guilty is entered before the  
17 time and date set for appearance, no court costs are imposed.  
18 The fine for a violation is \$20. If a complaint is issued for  
19 a violation and the defendant is found guilty, the fine is \$20  
20 plus court costs and the criminal penalty surcharge specified  
21 in Code section 911.1. Civil penalties collected shall be  
22 deposited in the general fund of the state.

23 Fees from sales of user permits are required to be remitted  
24 to the department of natural resources to be remitted by  
25 the department to the treasurer of state for credit to the  
26 state conservation fund. Proceeds collected from the sale of  
27 park user permits are appropriated to the natural resource  
28 commission and shall be used solely for the establishment,  
29 maintenance, improvement, and beautification of public parks  
30 and preserves in the state.

31 The bill takes effect January 1, 2011, and is repealed on  
32 December 31, 2015.