

Senate Study Bill 1138 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON RIELLY)

A BILL FOR

1 An Act restricting the practice of parking and displaying motor
2 vehicles for sale, hire, or rental on public or private
3 property and providing for local enforcement.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.89, subsection 1, paragraph a, Code
2 2011, is amended to read as follows:

3 a. (1) *“Abandoned vehicle”* means any of the following:

4 ~~(1)~~ (a) A vehicle that has been left unattended on public
5 property for more than twenty-four hours and lacks current
6 registration plates or two or more wheels or other parts which
7 renders the vehicle totally inoperable.

8 ~~(2)~~ (b) A vehicle that has remained illegally on public
9 property for more than twenty-four hours.

10 ~~(3)~~ (c) A vehicle that has been unlawfully parked on
11 private property or has been placed on private property without
12 the consent of the owner or person in control of the property
13 for more than twenty-four hours.

14 ~~(4)~~ (d) A vehicle that has been legally impounded by order
15 of a police authority and has not been reclaimed for a period
16 of ten days. However, a police authority may declare the
17 vehicle abandoned within the ten-day period by commencing the
18 notification process in subsection 3.

19 ~~(5)~~ (e) Any vehicle parked on the highway determined by a
20 police authority to create a hazard to other vehicle traffic.

21 ~~(6)~~ (f) A vehicle that has been impounded pursuant to
22 section 321J.4B by order of the court and whose owner has not
23 paid the impoundment fees after notification by the person or
24 agency responsible for carrying out the impoundment order.

25 (2) Notwithstanding subparagraph (1), a motor vehicle that
26 is parked on public or private property for the principal
27 purpose and intent of displaying the motor vehicle for sale,
28 hire, or rental in violation of section 321.361A is not an
29 abandoned vehicle for purposes of this section.

30 Sec. 2. NEW SECTION. 321.361A **Parking motor vehicle for**
31 **sale, hire, or rental restricted — local enforcement.**

32 1. A person shall not park a motor vehicle on a street
33 or highway, a public parking lot, or other public property,
34 or on private property where the public has the right to
35 travel by motor vehicle, for the principal purpose and intent

1 of displaying the motor vehicle for sale, hire, or rental
2 unless the display of the vehicle for sale, hire, or rental is
3 specifically authorized for that location by local ordinance or
4 regulation and the person is in compliance with all applicable
5 municipal or county licensing requirements.

6 2. Subsection 1 does not prohibit a person from parking
7 the person's own motor vehicle or other personal property on
8 any private real property which the person owns or leases,
9 or on any private real property owned or leased by another
10 person, with permission of the owner, or on the public
11 street immediately adjacent to such private real property
12 in conformance with applicable parking regulations, for the
13 principal purpose and intent of sale, hire, or rental.

14 3. Subsection 1 does not prohibit a licensed motor vehicle
15 dealer from displaying motor vehicles at locations other than
16 the dealer's licensed location as provided in section 322.5.

17 4. A city or county may adopt an ordinance providing for
18 enforcement of this section. Enforcement provisions may
19 include but shall not be limited to the following:

20 a. The issuance of citations.

21 b. The assessment of fines.

22 c. The removal of motor vehicles parked in violation of this
23 section, including removal from private property at the request
24 of the private property owner, and the storage of such motor
25 vehicles.

26 d. A process for identifying the owner of a motor vehicle
27 which has been towed and providing notice to the owner of the
28 requirements for release of the motor vehicle, including notice
29 of any deadline imposed for the owner to reclaim the motor
30 vehicle.

31 e. Requirements for release of a motor vehicle, which may
32 be conditioned on the payment of a fine and reimbursement
33 for towing, storage, and other costs incurred by the city or
34 county. The person claiming the vehicle shall provide proof
35 of ownership or, if the person claiming the vehicle is not

1 the owner of record, the person shall produce the certificate
2 of title to the vehicle and record the person's name on the
3 certificate of title as the purchaser.

4 *f.* A process for sale or disposal of motor vehicles or other
5 personal property not claimed by the owner in a timely manner.

6 5. The owner of private real property, a city or county,
7 or an agent authorized to act on behalf of a city or county,
8 shall not be liable for damage to a motor vehicle or personal
9 property in the vehicle caused by the removal or storage of the
10 motor vehicle pursuant to this section.

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EXPLANATION

12 This bill addresses the practice of displaying motor
13 vehicles which are for sale by owner at highly visible
14 locations on public or private property.

15 The bill prohibits a person from parking a motor vehicle
16 on a street or highway, a public parking lot, or other public
17 property or on private property where the public has the right
18 to travel by motor vehicle, for the principal purpose and
19 intent of displaying the motor vehicle for sale, hire, or
20 rental except in compliance with local regulations. The bill
21 does not prohibit a person from displaying a motor vehicle
22 on the person's own property or on other private property
23 with permission of the owner, including the public street
24 immediately adjacent to such property. Current law applicable
25 to the display of motor vehicles for sale by a licensed motor
26 vehicle dealer is not affected by the bill.

27 The bill specifies that a motor vehicle which is illegally
28 parked on public or private property for the principal purpose
29 and intent of displaying the vehicle for sale, hire, or rental
30 is not an abandoned vehicle, and therefore not subject to the
31 remedies currently provided for removal of abandoned vehicles.
32 Instead, the bill authorizes enforcement of the new parking
33 restrictions by cities and counties. Pursuant to a city or
34 county's ordinance, enforcement provisions may include the
35 issuance of citations; assessment of fines; removal of vehicles

1 from public property or from private property at the property
2 owner's request; storage of impounded vehicles; a process for
3 identifying a motor vehicle's owner and notifying the owner of
4 requirements and deadlines for reclaiming an impounded vehicle;
5 requirements for providing proof of ownership or, if the person
6 claiming the vehicle is not the owner of record, signing the
7 certificate of title as purchaser, as a condition for release
8 of a vehicle; reimbursement by the owner of a motor vehicle for
9 the towing, storage, and other costs incurred by the city or
10 county; and a process for sale or disposal of a motor vehicle
11 and any personal property found in a vehicle which is not
12 claimed by the owner.

13 The bill provides that the owner of private property, a city
14 or county, or an agent authorized to act on behalf of a city or
15 county, shall not be held liable for damage to a motor vehicle
16 or personal property in the vehicle caused by the removal or
17 storage of the vehicle authorized under the bill.