

Senate File 235 - Introduced

SENATE FILE 235

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A BILL FOR

1 An Act requiring that motor fuel pumps be accessible to persons
2 with disabilities, including by the establishment of
3 standards, requiring inspections, providing for the issuance
4 of cease and desist orders, requiring the submission of
5 annual reports, and making penalties applicable.

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

1 Section 1. NEW SECTION. 214.12 Motor fuel pumps —
2 accessibility — rules.

3 The department shall adopt rules to provide standards for
4 motor fuel pumps to accommodate persons with disabilities.

5 1. The rules shall supplement Tit. III of the federal
6 Americans with Disabilities Act of 1990, as provided in 42
7 U.S.C. § 12181 et seq., its implementing regulations, including
8 28 C.F.R. pt. 36, and the 2010 standards for accessible design
9 published by the United States department of justice.

10 2. The rules shall require that a sign be posted in a
11 conspicuous manner on or near each motor fuel pump. The sign
12 must state the hours when a customer will receive personal
13 assistance from the retail dealer in obtaining motor fuel from
14 the motor fuel pump. In addition, at least one motor fuel pump
15 must be equipped with a large call button that is accessible
16 from the motor fuel pump which will notify the retail dealer
17 that personal assistance is needed. The call button must be
18 capable of being accessed from inside a customer's vehicle in a
19 manner that allows the button to be pushed with a closed hand.

20 Sec. 2. NEW SECTION. 214.13 Motor fuel pumps — cease and
21 desist order — inspection and compliance report.

22 1. During its regular inspection of a motor fuel pump
23 at a retail motor fuel site, as provided in section 214.11,
24 the department shall determine whether a retail dealer is in
25 compliance with rules adopted pursuant to section 214.12.

26 2. Upon determining that a violation of a rule adopted
27 pursuant to section 214.12 requires immediate corrective
28 action, the department shall issue a cease and desist order
29 in a manner consistent with chapter 17A. The order shall
30 prevent the retail dealer from selling or offering to sell
31 motor fuel at the retail motor fuel site until the violation is
32 corrected. The department or the attorney general may enforce
33 the cease and desist order by petitioning the district court
34 of Polk county or the county where the retail motor fuel site
35 is located.

1 3. The department shall prepare and submit a report to the
2 governor and general assembly not later than January 15 of each
3 year stating the number of retail motor fuel sites inspected
4 that have motor fuel pumps that are not in compliance with the
5 rules adopted pursuant to section 214.12.

6 EXPLANATION

7 This bill requires the department of agriculture and land
8 stewardship to establish standards by rule requiring a retail
9 dealer to have a motor fuel pump capable of assisting persons
10 with disabilities, including (1) the federal Americans with
11 Disabilities Act and (2) state requirements for a sign to be
12 posted on or near the motor fuel pump which allows a customer
13 to receive personal assistance from a retail dealer by using
14 a special call button.

15 The bill requires the department to conduct an inspection of
16 motor fuel pumps as part of its regular inspection schedule.
17 The department shall issue a cease and desist order in order
18 to prevent a retail dealer from selling motor fuel at a retail
19 motor fuel site if the department determines that immediate
20 corrective action is required to remedy a violation of its
21 standards.

22 Finally, the bill requires the department to submit a report
23 to the governor and general assembly each year stating the
24 number of retail motor fuel sites having motor fuel pumps
25 inspected that are not in compliance with these provisions.

26 A retail dealer who violates a provision of the bill is
27 guilty of a simple misdemeanor. Each day that a continuing
28 violation occurs shall be considered a separate offense. A
29 simple misdemeanor is punishable by confinement for no more
30 than 30 days or a fine of at least \$65 but not more than \$625
31 or by both.