

**Senate File 401 - Introduced**

SENATE FILE 401  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 235)

**A BILL FOR**

1 An Act requiring that motor fuel dealers comply with standards  
2 and practices to assist disabled individuals obtaining motor  
3 fuel from motor fuel pumps, providing for enforcement by the  
4 department of agriculture and land stewardship or the office  
5 of attorney general, providing for the issuance of cease  
6 and desist orders, providing for penalties, and including  
7 effective date provisions.

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

1 Section 1. Section 214.1, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 01. "*Americans with Disabilities Act*"  
4 means Tit. III of the federal Americans with Disabilities  
5 Act of 1990, as provided in 42 U.S.C. § 12181 et seq., its  
6 implementing regulations, including 28 C.F.R. pt. 36, and the  
7 2010 standards for accessible design published by the United  
8 States department of justice.

9 Sec. 2. NEW SECTION. 214.12 **Motor fuel pumps —**  
10 **accessibility — rules.**

11 1. Retail dealers shall comply with the Americans with  
12 Disabilities Act. In addition to complying with the Americans  
13 with Disabilities Act a retail dealer shall maintain a retail  
14 motor fuel site as provided in this section.

15 2. A retail dealer shall maintain at least one motor fuel  
16 pump that complies with the Americans with Disabilities Act.

17 3. Except as otherwise provided in this subsection, a  
18 retail dealer, upon the request of a disabled customer or  
19 person acting on behalf of a disabled customer, shall provide  
20 assistance to that customer in obtaining motor fuel from a  
21 motor fuel pump in the ordinary course of the retail dealer's  
22 business. The retail dealer shall not impose an extra charge  
23 for providing such assistance.

24 a. The retail dealer is not required to provide assistance  
25 at any time that the motor fuel pump is operating to dispense  
26 fuel on a remote control basis and fewer than two employees of  
27 the retail dealer are on duty at the retail motor fuel site.

28 b. The retail dealer shall post a sign in a conspicuous  
29 location on the premises of the retail motor fuel site stating  
30 the direct telephone number of an individual that a disabled  
31 customer or person acting on behalf of the disabled customer  
32 may contact for assistance, and the hours when the retail  
33 dealer provides such assistance. The hours must be reasonable  
34 for the retail dealer's business. The telephone number must  
35 be posted in close proximity to an international symbol of

1 accessibility as required in the Americans with Disabilities  
2 Act.

3     *c.* The retail dealer shall post the international symbol of  
4 accessibility as required in the Americans with Disabilities  
5 Act on the sign located on the motor fuel site that advertises  
6 the daily price for motor fuel offered for sale by the retail  
7 dealer to the traveling public.

8     Sec. 3. NEW SECTION. **214.13 Motor fuel pumps — complaints**  
9 **and inspections — cease and desist orders.**

10     1. The department shall immediately issue a cease and desist  
11 order against a retail dealer who violates section 214.12,  
12 including rules adopted by the department under that section,  
13 by failing to do any of the following:

14     *a.* Comply with the Americans with Disabilities Act,  
15 including maintaining at least one motor fuel pump that  
16 complies with the Americans with Disabilities Act.

17     *b.* Provide assistance to a disabled customer in obtaining  
18 motor fuel from a motor fuel pump upon request by the disabled  
19 customer or a person acting on behalf of a disabled customer.

20     2. The department shall issue the cease and desist order as  
21 part of the department's routine inspection of the retail motor  
22 fuel site or after a departmental investigation of the retail  
23 motor fuel site conducted by the department upon a complaint  
24 filed with the department.

25     3. The cease and desist order shall prohibit the retail  
26 dealer from dispensing motor fuel from one motor fuel pump  
27 located at the retail motor fuel site, until the retail dealer  
28 complies with section 214.12.

29     4. The department shall issue the cease and desist order  
30 in a manner consistent with chapter 17A. The department or  
31 the attorney general may enforce the cease and desist order by  
32 petitioning the district court of Polk county or the county  
33 where the retail motor fuel site is located.

34     Sec. 4. NEW SECTION. **214.14 Motor fuel pumps — complaints**  
35 **and inspections — civil penalties.**

1 A retail dealer who violates section 214A.12 is subject  
2 to a civil penalty of two hundred fifty dollars. Each day  
3 that a retail dealer fails to post a sign or the international  
4 symbol of accessibility as required in section 214.12 shall be  
5 considered a separate violation.

6 Sec. 5. EFFECTIVE DATE. This Act takes effect January 1,  
7 2014.

8 EXPLANATION

9 GENERAL. This bill provides that a retail dealer of motor  
10 fuel who sells gasoline or diesel fuel at a motor fuel pump  
11 must comply with the federal Americans with Disabilities Act.  
12 In addition, the bill requires the retail dealer to comply with  
13 additional state requirements as provided in the bill.

14 ASSISTANCE TO CUSTOMERS WITH DISABILITIES. The bill  
15 requires a retail dealer to provide assistance to a disabled  
16 customer in obtaining motor fuel from a motor fuel pump  
17 without charging an additional fee. The retail dealer is not  
18 required to provide such assistance when the motor fuel pump  
19 is operating on a remote control basis and fewer than two  
20 employees are on duty.

21 SIGNS. The bill requires a retail dealer to post a sign  
22 in a conspicuous location on the premises of the retail motor  
23 fuel site. The sign must provide a direct telephone number to  
24 contact an individual who can provide assistance and hours when  
25 the retail dealer provides such assistance. The retail dealer  
26 must also post the international symbol of accessibility on the  
27 sign advertising the daily price for motor fuel.

28 ENFORCEMENT. The bill provides that the department is  
29 required to issue a cease and desist order against a retail  
30 dealer who violates the requirements of the bill by failing  
31 to comply with the Americans with Disabilities Act, or by  
32 providing assistance to a disabled customer in obtaining motor  
33 fuel upon request. The cease and desist order prohibits the  
34 retail dealer from dispensing motor fuel from one motor fuel  
35 pump located at the retail motor fuel site, until the retail

S.F. 401

1 dealer complies with the requirement.

2 CIVIL PENALTY. The bill provides that a retail dealer who  
3 violates a provision in the bill is subject to a \$250 civil  
4 penalty. Each day the dealer fails to post a sign or the  
5 international symbol of accessibility is a separate violation.

6 EFFECTIVE DATE. The bill takes effect on January 1, 2014.