

House File 343 - Introduced

HOUSE FILE 343
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 109)

A BILL FOR

1 An Act relating to the improper use of a persons with
2 disabilities parking permit and applicable penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.236, subsection 1, paragraph b, Code
2 2015, is amended to read as follows:

3 *b.* Parking violations which are uncontested shall be charged
4 and collected upon a simple notice of a fine payable to the
5 city clerk. The fine for each violation charged under a simple
6 notice of a fine shall be established by ordinance. The fine
7 may be increased by five dollars if the parking violation
8 is not paid within thirty days of the date upon which the
9 violation occurred. ~~Violations~~ For violations of section
10 321L.4, subsection 2, ~~shall be charged and collected a city~~
11 may charge and collect upon a simple notice of a one hundred
12 dollar fine payable to the city clerk. Costs or other charges
13 shall not be assessed. All fines collected by a city pursuant
14 to this paragraph shall be retained by the city and all fines
15 collected by a county pursuant to this paragraph shall be
16 retained by the county, except as provided by an agreement
17 between a city and a county treasurer for the collection of
18 fines pursuant to section 331.553, subsection 8.

19 Sec. 2. Section 321L.4, subsection 2, Code 2015, is amended
20 to read as follows:

21 2. *a.* The use of a persons with disabilities parking space,
22 located on either public or private property as provided in
23 sections 321L.5 and 321L.6, by an operator of a vehicle not
24 displaying a persons with disabilities parking permit; by an
25 operator of a vehicle displaying a persons with disabilities
26 parking permit but not being used by a person issued a permit
27 or being transported in accordance with section 321L.2,
28 subsection 1, paragraph "b"; or by a vehicle in violation
29 of the rules adopted by the department under section 321L.8,
30 constitutes improper use of a persons with disabilities parking
31 permit, which is a misdemeanor for which a ~~scheduled~~ fine shall
32 be imposed under paragraph "b", upon the owner, operator, or
33 lessee of the vehicle or the person to whom the persons with
34 disabilities parking permit is issued.

35 *b.* (1) The scheduled fine for each violation shall be as

1 established in section 805.8A, subsection 1, paragraph "c".

2 (2) In lieu of the scheduled fine described in subparagraph
3 (1), a city may charge and collect upon a simple notice of a one
4 hundred dollar fine pursuant to section 321.236, subsection 1,
5 paragraph "b".

6 c. Proof of conviction of two or more violations involving
7 improper use of a persons with disabilities parking permit
8 is grounds for revocation by the court or the department of
9 the holder's privilege to possess or use the persons with
10 disabilities parking permit.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to the improper use of a persons with
15 disabilities parking permit. Under current law, improper use
16 of a persons with disabilities parking permit is a misdemeanor
17 subject to separate fines under Code sections 321.236 and
18 805.8A. The bill provides that a local authority may charge
19 and collect upon a simple notice of a \$100 fine, payable to the
20 city clerk in lieu of a scheduled fine of \$200 charged under
21 Code section 805.8A. Current Code section 805.8A, subsection
22 1, paragraph "a", provides that violations charged by a city
23 or county upon simple notice of a fine instead of a uniform
24 citation and complaint are not scheduled violations.