

Senate File 409 - Reprinted

SENATE FILE 409
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1138)

(As Amended and Passed by the Senate March 10, 2011)

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

3 1. A person shall not park a motor vehicle on a street or
4 highway, a public parking lot, or other public property, or on
5 private property where the public has the right to travel by
6 motor vehicle, other than the principal place of business of a
7 motor vehicle dealer as designated under chapter 322, for the
8 principal purpose and intent of displaying the motor vehicle
9 for sale, hire, or rental unless the display of the vehicle
10 for sale, hire, or rental is specifically authorized for that
11 location by local ordinance or regulation and the person is in
12 compliance with all applicable municipal or county licensing
13 requirements.

14 2. Subsection 1 does not prohibit a person from parking
15 the person's own motor vehicle or other personal property on
16 any private real property which the person owns or leases,
17 or on any private real property owned or leased by another
18 person, with permission of the owner, or on the public
19 street immediately adjacent to such private real property
20 in conformance with local ordinance and applicable parking
21 regulations, for the principal purpose and intent of sale,
22 hire, or rental, unless such parking is prohibited by local
23 ordinance.

24 3. Subsection 1 does not prohibit a licensed motor vehicle
25 dealer from displaying motor vehicles at locations other than
26 the dealer's licensed location as provided in section 322.5 and
27 in accordance with local ordinance.

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

31 a. The issuance of citations.

32 b. The assessment of fines.

33 c. The removal of motor vehicles parked in violation of this
34 section, including removal from private property at the request
35 of the private property owner, and the storage of such motor

1 vehicles.

2 *d.* A process for identifying the owner of a motor vehicle
3 which has been towed and providing notice to the owner of the
4 requirements for release of the motor vehicle, including notice
5 of any deadline imposed for the owner to reclaim the motor
6 vehicle. Such notice shall be sent to the last known address
7 of the owner of the vehicle as recorded with the vehicle's
8 registration or certificate of title. If the registration and
9 title records each show different owners, the notice shall be
10 sent to both persons named as owners. If the registration and
11 title records each show different addresses for the same owner,
12 the notice shall be sent to both addresses.

13 *e.* Requirements for release of a motor vehicle, which may
14 be conditioned on the payment of a fine and reimbursement
15 for towing, storage, and other costs incurred by the city or
16 county. The person claiming the vehicle shall provide proof
17 of ownership or, if the person claiming the vehicle is not the
18 owner of record, the person shall produce the certificate of
19 title showing ownership of the vehicle.

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

22 5. The owner of private real property, a city or county,
23 or an agent authorized to act on behalf of a city or county,
24 shall not be liable for damage to a motor vehicle or personal
25 property in the vehicle caused by the removal or storage of the
26 motor vehicle pursuant to this section.

27 6. This section does not prohibit a city or county from
28 exercising the authority granted under section 321.89 with
29 respect to any vehicle that meets the definition of an
30 abandoned vehicle.