

CHAPTER 206**PARK USER FEE***H.F. 183*

AN ACT relating to a user fee for certain state lands under the jurisdiction of the state conservation commission, writing fees, making an appropriation, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter 111, Code 1985, is amended by adding the following new section:

NEW SECTION. USER PERMITS FOR CERTAIN STATE LANDS.

1. A person shall not park or permit to be parked a motor vehicle required to be registered under chapter 321 on state land under the jurisdiction of the conservation commission where a user permit is required by subsection 3, unless the vehicle has a user permit attached in accordance with this section.

2. This section does not apply to the following vehicles:

a. Official government vehicles, or vehicles operated by state, county, city, and federal employees and agents while in the performance of official government business.

b. Vehicles operated by family members and guests of a commission employee residing at an area subject to the user permit requirement. The commission shall provide for temporary devices to identify the vehicles of such guests.

c. A vehicle moving on highways within or that cross state land to which this section applies.

d. A vehicle transporting employees to or furnishing services or supplies to the conservation commission or designated concessionaire.

e. A vehicle displaying a handicapped identification device issued under chapter 601E.

3. The requirement of a user permit applies to developed campgrounds at the Shimek, Yellow River, and Stephens state forests, and all areas managed by the state parks section of the conservation commission except those excluded by rule. However, the requirement of a user permit shall not apply on any land acquired by gift if a condition of the gift was the free, public use of the land.

4. The user permit issued by the commission is valid for either the calendar year in which issued or for twenty-four hours from the time of purchase. The fee is ten dollars for the calendar year permit and two dollars for the daily permit.

5. User permits shall be issued without the permit fee by the county recorder to individuals who present a current medical assistance identification card provided by the department of human services or to individuals who show proof of age of sixty-five years or older or to individuals who declare themselves in writing to be current food stamp recipients and who sign a release allowing the department of human services to confirm or deny their eligibility status upon request of the county recorder or the conservation commission.

6. User permits shall be sold by the commission and county recorders and may be sold by depositaries designated by the recorders or the director under section 110.11. A writing fee may be charged for dispensing the user permits as provided under section 110.12 for licenses. Duplicate user permits shall not be issued.

7. A user permit is not transferable between vehicles and shall be displayed as the commission prescribes by rule.

8. a. An officer of the commission who observes a motor vehicle parked in violation of this section shall take the vehicle's registration number and may take other information displayed on the vehicle which may identify its user and deliver to the driver or conspicuously affix to the vehicle a notice of violation in writing on a form provided by the commission. A person who receives the notice or knows that a notice has been affixed to the motor vehicle owned or controlled by the person may pay a civil penalty of twenty dollars to the commission within twenty days. If the civil penalty is not timely paid, the commission may cause a complaint to be filed against the owner or operator of the motor vehicle before a magistrate for the violation of this section in the manner provided in section 804.1. Timely payment of the civil penalty shall be a bar to any prosecution for that violation of this section. All civil penalties collected under this subsection shall be deposited in the general fund of the state.

b. If a citation is issued for a violation of this section and a plea of guilty is entered on or before the time and date set for appearance, the fines shall be thirty dollars and court costs and the criminal penalty surcharge of section 911.2 shall not be imposed.

c. The commission shall provide to its officers sets of triplicate notices each identified by separate serial numbers on each copy of notice. One copy shall be used as a notice of violation and delivered to the person charged or affixed to the vehicle illegally parked, one copy shall be sworn to by the officer as a complaint and may be filed with the clerk of the court of the county if the civil penalty is not timely paid to the commission and one copy shall be retained by the commission for record purposes.

9. The county recorder shall remit to the commission all fees from the sale of user permits within ten days from the end of the month. The commission shall remit the fees from sales of user permits to the treasurer of state who shall place the money in a state park, forest, and recreation area facilities improvement trust fund. Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the funds in the state park, forest and recreation area facilities improvement trust fund shall be credited to that fund. The money in that fund is appropriated to the commission solely for renovation, replacement, and improvement of facilities otherwise acquired in state parks, forests, and recreation areas. Notwithstanding chapters 96 and 97B, persons employed by the commission with the money from the trust fund are not eligible for membership in the Iowa public employees' retirement system or eligible to receive unemployment compensation benefits by virtue of this employment.

10. A person who receives a notice of violation under this section may, in lieu of paying the civil penalty, produce proof that the person has acquired a current calendar year permit. The proof shall be submitted to the commission in the same manner as the civil penalty.

Sec. 2. Section 111.57, Code 1985, is amended to read as follows:

111.57 PENALTIES.

Any person violating any of the provisions of the foregoing sections numbered 111.35 to 111.56 shall be and section 1 of this Act is guilty of a simple misdemeanor.

Sec. 3. This Act takes effect January 1 following enactment.

Approved May 28, 1985