

3. Unless otherwise provided in the articles of organization or an operating agreement, upon the death, insanity, retirement, resignation, withdrawal, expulsion, bankruptcy, or dissolution of a member or occurrence of any other event that terminates the continued membership of a member in the limited liability company, unless the business of the limited liability company is continued by the consent of the members in the manner stated in the articles of organization or an operating agreement or if not so stated, by the unanimous consent of the remaining members within ninety days of the occurrence of the event.

Sec. 23. Section 547.1, Code 1995, is amended to read as follows:

547.1 USE OF TRADE NAME – VERIFIED STATEMENT REQUIRED.

A person or copartnership shall not engage in or conduct a business under a trade name, or an assumed name of a character other than the true surname of each person owning or having an interest in the business, unless the person first records with the county recorder of the county in which the business is to be conducted a verified statement showing the name, post office address, and residence address of each person owning or having an interest in the business, and the address where the business is to be conducted. However, this provision does not apply to any corporation or limited liability company incorporated or organized in this state or any foreign corporation or foreign limited liability company authorized to do business in this state or doing business pursuant to an exemption in chapter 490 or 490A.

Approved April 25, 1996

CHAPTER 1171

HANDICAPPED PARKING

S.F. 2085

AN ACT relating to handicapped parking and providing a penalty.

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

Section 1. Section 321.23, subsection 4, Code 1995, is amended to read as follows:

4. A vehicle which does not meet the equipment requirements of this chapter due to the particular use for which it is designed or intended, may be registered by the department upon payment of appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition. A person is not required to have a certificate of title to register a vehicle under this subsection. If the owner elects to have a certificate of title issued for the vehicle, a fee of ten dollars shall be paid by the person making the application upon issuance of a certificate of title. If the department's inspection reveals that the vehicle may be safely operated only under certain conditions or on certain types of roadways, the department may restrict the registration to limit operation of the vehicle to the appropriate conditions or roadways. This subsection does not apply to snowmobiles as defined in section 321G.1. Section 321.382 does not apply to a vehicle registered under this subsection which is operated exclusively by a handicapped person who has obtained a handicapped ~~identification device~~ parking permit as provided in section 321L.2, if the handicapped ~~identification device~~ parking permit is carried in or on the vehicle and shown to a peace officer on request.

Sec. 2. Section 321.34, subsection 7, Code Supplement 1995, is amended to read as follows:

7. **HANDICAPPED PLATES.** The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, light delivery truck, panel delivery truck, or pickup, who is a handicapped person, or who is the parent or guardian of a child who resides with the parent or guardian owner and who is a handicapped person, as defined in section 321L.1, may, upon written application to the department, order handicapped registration plates designed by the department bearing the international symbol of accessibility. The handicapped registration plates shall only be issued if the application is accompanied with a statement from a physician licensed under chapter 148, 149, 150, or 150A, or a chiropractor licensed under chapter 151, written on the physician's or chiropractor's stationery, stating the nature of the applicant's or the applicant's child's handicap and such additional information as required by rules adopted by the department, including proof of residency of a child who is a handicapped person. If the application is approved by the department the handicapped registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The department shall validate the handicapped plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the handicapped plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle or the owner's child is still a handicapped person as defined in section 321L.1, ~~unless the applicant has previously provided satisfactory evidence to the department that the owner of the vehicle or the owner's child is permanently handicapped in which case the furnishing of additional evidence shall not be required for renewal. However, an~~ An owner who has a child who is a handicapped person shall provide satisfactory evidence to the department that the handicapped child continues to reside with the owner. The handicapped registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle or the owner's child no longer qualifies as a handicapped person as defined in section 321L.1 or when the owner's child who is a handicapped person no longer resides with the owner.

Sec. 3. Section 321.166, subsection 6, Code Supplement 1995,* is amended to read as follows:

6. Registration plates issued a disabled veteran under the provisions of section 321.105, shall display the alphabetical characters "DV" which shall precede the registration plate number. The plates may also display a handicapped ~~identification~~ parking sticker if issued to the disabled veteran by the department under section 321L.2.

Sec. 4. Section 321L.1, subsections 4 and 6, Code 1995, are amended to read as follows:

4. "~~Handicapped identification device~~" or "~~device~~" parking permit" means ~~an identification device~~ a permit bearing the international symbol of accessibility issued by the department ~~which allows the holder to park in a handicapped parking space~~, and includes ~~the following~~:

a. A handicapped registration plate issued to or for a handicapped person under section 321.34, subsection 7, ~~a.~~

b. A handicapped ~~identification~~ parking sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, ~~and a~~ or to an operator under section 321.34.

c. A handicapped ~~identification hanging device~~ removable windshield placard which is a two-sided placard for hanging from the rearview mirror when the motor vehicle is parked in a handicapped parking space.

6. "Handicapped parking space" means a parking space, including the access aisle, designated for use by only motor vehicles displaying a handicapped ~~identification device~~ parking permit that meets the requirements of sections 321L.5 and 321L.6.

Sec. 5. Section 321L.1, subsection 7, Code 1995, is amended by striking the subsection and inserting in lieu thereof the following:

* "Code 1995" probably intended

7. "Handicapped person" means a person with a disability that limits or impairs the person's ability to walk. A person shall be considered handicapped for purposes of this chapter under the following circumstances:

- a. The person cannot walk two hundred feet without stopping to rest.
- b. The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device.
- c. The person is restricted by lung disease to such an extent that the person's forced expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest.
- d. The person uses portable oxygen.
- e. The person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association.
- f. The person is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

Sec. 6. Section 321L.2, subsections 1 and 2, Code Supplement 1995, are amended to read as follows:

1. a. A handicapped resident of the state desiring a handicapped ~~identification device parking permit~~ shall apply to the department upon an application form furnished by the department providing the applicant's name, address, date of birth, and social security number and shall also provide a statement from a physician licensed under chapter 148, 149, 150, or 150A, or a chiropractor licensed under chapter 151, or a physician or chiropractor licensed to practice in a contiguous state, written on the physician's or chiropractor's stationery, stating the nature of the applicant's handicap and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary handicapped parking permit, the physician's or chiropractor's statement shall state the period of time during which the person is expected to be handicapped and the period of time for which the permit should be issued, not to exceed six months.

A handicapped person may apply for one of the following handicapped parking permits:

(1) ~~Handicapped registration plates must be ordered~~ Handicapped registration plates. An applicant may order handicapped registration plates pursuant to section 321.34, subsection 7.

(2) Handicapped parking sticker. An applicant who owns a motor vehicle for which the applicant has been issued registration plates under section 321.34 or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped parking sticker to be affixed to the plates. The handicapped parking stickers shall bear the international symbol of accessibility.

(3) Removable windshield placard. A handicapped person may apply for ~~either one temporary or one permanent handicapped identification hanging device~~. Persons who seek a permanent handicapped identification device shall be required to furnish evidence upon initial application that they are permanently handicapped. A person who has provided satisfactory evidence to the department that the person is permanently handicapped shall not be required to furnish evidence of being handicapped at a later date, unless the department deems it necessary. a temporary removable windshield placard which shall be valid for a period of up to six months, as determined by the physician's or chiropractor's statement under this subsection or a removable windshield placard which shall be valid for a period of four years from the date of issuance. A removable windshield placard shall be renewed within thirty days of the date of expiration. To renew the placard, the person shall comply with the requirements for initial issuance of the placard under this section. Persons who seek ~~only seeking temporary handicapped identification stickers or hanging devices~~ removable windshield placards shall be required to furnish evidence upon initial application that they are temporarily handicapped and, in addition, furnish evidence at ~~three-month~~ subsequent intervals that they remain temporarily handicapped. Temporary

~~handicapped identification stickers and hanging devices~~ removable windshield placards shall be of a distinctively different color from ~~permanent handicapped identification stickers and hanging devices~~ removable windshield placards. The department shall issue one additional removable windshield placard upon the request of a handicapped person.

b. The department may issue ~~permanent handicapped identification hanging devices~~ removable windshield placards to the following ~~in accordance with rules adopted by the department:~~

- (1) An organization which has a program for transporting the handicapped or elderly.
- (2) A person in the business of transporting the handicapped or elderly.

One ~~handicapped identification hanging device~~ removable windshield placard may be issued for each vehicle used by the organization or person for transporting the handicapped or elderly. A ~~handicapped identification hanging device placard~~ placard issued under this paragraph shall be renewed every four years from the date of issuance and shall be surrendered to the department if the organization or person is no longer providing the service for which the device placard was issued. Notwithstanding section 321L.4, a person transporting handicapped or elderly in a motor vehicle for which a ~~handicapped identification hanging device placard~~ placard has been issued under this paragraph may display the ~~device placard~~ placard in the motor vehicle and may use a handicapped parking space while the motor vehicle is displaying the ~~device placard~~ placard. A ~~handicapped identification hanging device placard~~ placard issued under this paragraph shall be of a distinctively different color from the ~~handicapped identification hanging devices~~ a placard issued under paragraph "a". An organization issued a removable windshield placard and a handicapped person being transported under this subsection are exempt from the handicapped designation requirement under section 321L.4.

c. A new ~~handicapped identification device~~ removable windshield placard can be issued if the previously issued ~~device placard~~ placard is reported lost, stolen, or damaged. The ~~device placard~~ placard reported as being lost or stolen shall be invalidated by the department. A ~~device placard~~ placard which is damaged shall be returned to the department and exchanged for a new ~~device placard~~ placard in accordance with rules adopted by the department.

2. Any person providing false information with the intent to defraud on the application for a ~~handicapped identification device or parking permit used in establishing proof under subsection 1~~ is subject to a civil penalty of three hundred dollars which may be imposed by the department. A physician or chiropractor who provides false information with the intent to defraud on the physician's or chiropractor's statement used in establishing proof under subsection 1 is subject to a civil penalty of ~~one~~ three hundred dollars which may be imposed by the department, ~~or subject to invalidation by the department of the device issued to the individual, or subject to both the civil penalty and invalidation. In addition to the civil penalty, the department shall revoke the permit issued pursuant to this section.~~

Sec. 7. Section 321L.2, subsection 3, Code Supplement 1995, is amended by striking the subsection and inserting in lieu thereof the following:

3. The removable windshield placard shall contain the following information:

a. Each side of the placard shall include all of the following:

(1) The international symbol of access, which is at least three inches in height, centered on the placard, and is white on a blue shield.

(2) An identification number.

(3) A date of expiration, which shall be of sufficient size to be readable from outside the vehicle.

(4) The seal or other identification of the issuing authority.

b. One side of the placard shall contain all of the following information:

(1) A statement printed on it as follows: "Unauthorized use of this placard as indicated in Iowa Code chapter 321L may result in a fine, invalidation of the placard, or revocation of the right to use the placard. This placard shall be displayed only when the vehicle is parked in a handicapped parking space."

- (2) The return address and telephone number of the department.
- (3) The signature of the person who has been issued the placard and the signature of the physician or chiropractor who made the determination that the person was handicapped for purposes of issuance of the placard.
4. A removable windshield placard shall only be displayed when the vehicle is parked in a handicapped parking space.
5. A person obtaining a handicapped parking permit pursuant to this section, other than a person obtaining a removable windshield placard issued under subsection 1, paragraph "b", and a person issued a temporary removable windshield placard pursuant to this section shall be required to have a handicapped designation on the face of the person's motor vehicle license or if the person does not have or is not eligible for a motor vehicle license, the person shall apply for a nonoperator's identification card with a handicapped designation. A handicapped person who has been issued a handicapped parking permit pursuant to this section shall carry the motor vehicle license or nonoperator's identification card in the person's possession at all times when the handicapped parking permit is being used.
6. The shape and color of the removable windshield placard shall be changed and the placard shall be reissued every four years.

Sec. 8. Section 321L.3, Code 1995, is amended to read as follows:

321L.3 ~~RETURN OF HANDICAPPED IDENTIFICATION DEVICES~~ RETURN OF HANGING DEVICES PARKING PERMITS.

Handicapped ~~identification hanging devices~~ parking permits shall be returned to the department upon the occurrence of any of the following:

1. The person to whom the ~~device~~ handicapped parking permit has been issued is deceased.
2. The person to whom the ~~device~~ handicapped parking permit has been issued has moved out of state.
3. A person has found or has in the person's possession a ~~hanging device~~ handicapped parking permit that was not issued to that person.
4. The ~~temporary device~~ handicapped parking permit has expired.
5. The ~~device~~ handicapped parking permit has been ~~invalidated~~ revoked.
6. The ~~device~~ handicapped parking permit reported lost or stolen ~~under section 321L.2, subsection 1,~~ is later found or retrieved after a subsequent ~~device~~ handicapped parking permit has been issued.

A person who fails to return the handicapped ~~identification hanging device~~ as stipulated ~~above~~ parking permit and subsequently misuses the ~~device~~ permit by illegally parking in a handicapped parking space is guilty of a simple misdemeanor and subject to a fine of up to one hundred dollars ~~shall be imposed on the person~~.

Devices Handicapped parking permits may be returned to the department as required by this section either directly to the department ~~or through~~ to a driver motor vehicle license station or any law enforcement office.

Sec. 9. Section 321L.4, Code 1995, is amended to read as follows:

321L.4 HANDICAPPED PARKING - DISPLAY AND USE OF ~~DEVICE~~ PARKING PERMIT AND HANDICAPPED IDENTIFICATION DESIGNATION.

1. A handicapped ~~identification device~~ parking permit shall be displayed in a motor vehicle as a ~~hanging device~~ removable windshield placard or on a motor vehicle as a plate or sticker as provided in section 321L.2 when being used by a handicapped person, either as an operator or passenger. Each ~~hanging device~~ removable windshield placard shall be of uniform design and fabricated of durable material, suitable for display from within the passenger compartment of a motor vehicle, and readily transferable from one vehicle to another. The placard shall only be displayed when the motor vehicle is parked in a handicapped parking space.

2. The use of a handicapped parking space, located on either public or private property as provided in sections 321L.5 and 321L.6, by a motor vehicle not displaying a handicapped ~~identification device parking permit~~; by a motor vehicle displaying such a device handicapped parking permit but not being used by a ~~handicapped person, as an operator or passenger in possession of a motor vehicle license with a handicapped designation or a nonoperator's identification card with a handicapped designation, other than a person issued a permit or being transported in accordance with section 321L.2, subsection 1, paragraph "b",~~ or by a motor vehicle in violation of the rules adopted by the department under section 321L.8, constitutes improper use of a handicapped ~~identification device parking permit~~, which is a misdemeanor for which a fine shall be imposed upon the owner, operator, or lessee of the motor vehicle or the ~~purchaser of person to whom the handicapped identification device parking permit is issued.~~ The fine for each violation shall be fifty one hundred dollars. Proof of conviction of two or more violations involving improper use of a handicapped ~~identification device parking permit~~ is grounds for revocation by the court or the department of the holder's privilege to possess or use the device handicapped parking permit.

3. A peace officer as designated in section 801.4, subsection 11, shall have the authority to and shall enforce the provisions of this section on public and private property.

Sec. 10. Section 321L.5, subsection 3, paragraph c, Code 1995, is amended to read as follows:

c. An entity providing off-street nonresidential parking as a lessor shall provide a handicapped parking space to an individual requesting to lease a parking space, if that individual possesses a ~~permanent handicapped identification device parking permit~~ issued in accordance with section 321L.2.

Sec. 11. Section 321L.5, subsection 4, paragraph b, Code 1995, is amended to read as follows:

b. Upon petition by an individual possessing a ~~permanent handicapped identification device parking permit~~ issued in accordance with section 321L.2, the city shall review utilization and location of existing handicapped parking spaces for a one-month period but not more than once every twelve months. If, upon review, the average occupancy rate for handicapped parking spaces exceeds sixty percent during normal business hours, the city shall provide additional handicapped parking spaces as needed.

Sec. 12. Section 321L.8, Code 1995, is amended to read as follows:

321L.8 ~~HANDICAPPED IDENTIFICATION DEVICES~~ PARKING PERMITS AND PARKING – RULES.

1. The department, pursuant to chapter 17A, shall adopt rules:

a. Establishing procedures for applying to the department for issuance of ~~permanent or temporary handicapped identification devices parking permits~~ under this chapter.

b. Governing the manner in which handicapped ~~identification devices parking permits~~ are to be displayed in or on motor vehicles.

c. Regarding enforcement of this chapter.

2. The department of public safety shall adopt rules pursuant to chapter 17A governing the manner in which handicapped parking spaces are provided.

Sec. 13. Section 321L.9, Code 1995, is amended to read as follows:

321L.9 RECIPROCITY.

~~Handicapped identification devices parking permits~~ issued lawfully by other states and foreign governmental bodies or their political subdivisions shall be valid handicapped ~~identification devices parking permits~~ for nonresidents traveling or visiting in this state.

Sec. 14. IMPLEMENTATION.

1. The department shall begin the issuance of new permanent windshield placards and handicapped designations on motor vehicle licenses or nonoperator's identification cards, as provided in this Act, beginning January 1, 1997.

2. After January 1, 1998, only new windshield placards issued by the department pursuant to this chapter shall be valid and any other hanging device issued prior to January 1, 1997, shall be invalid.

3. A person who has been issued a hanging device prior to January 1, 1997, shall apply for a new removable windshield placard and handicapped designation by January 1, 1998.

4. A person who has been issued handicapped registration plates or handicapped identification stickers shall apply for a handicapped designation on the person's motor vehicle license or nonoperator's identification card by January 1, 1998.

5. A person who has been issued a handicapped parking permit, but who does not possess a valid Iowa motor vehicle license, shall apply for a nonoperator's identification card by January 1, 1998.

Sec. 15. Section 321L.10, Code 1995, is repealed.

Sec. 16. The department shall work with the American medical association and other groups to educate physicians and chiropractors regarding the chiropractors' and physicians' statements required for issuance of a handicapped parking permit and the requirements under section 321L.2 for issuance of a handicapped parking permit. If possible, this education effort shall be included within relevant continuing education curriculum.

Sec. 17. FUTURE REISSUANCE. The department shall implement the reissuance of removable windshield placards on January 1, 2001, and every four years thereafter, in the same manner as provided for reissuance in this Act.

Approved April 25, 1996

CHAPTER 1172

DEER AND WILD TURKEY HUNTING LICENSES

H.F. 2383

AN ACT relating to issuance of free deer and wild turkey hunting licenses to certain landowners and tenants.

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

Section 1. Section 483A.24, subsections 2, 3, 4, 5, 6, and 7, Code 1995, are amended by striking the subsections and inserting in lieu thereof the following:

2. a. As used in this subsection:

(1) "Family member" means a resident of Iowa who is the spouse or child of the owner or tenant and who resides with the owner or tenant.

(2) "Farm unit" means all parcels of land, not necessarily contiguous, which are operated as a unit for agricultural purposes and which are under the lawful control of the owner or tenant.

(3) "Owner" means an owner of a farm unit who is a resident of Iowa and who is one of the following:

(a) Is the sole operator of the farm unit.

(b) Makes all of the farm operation decisions but contracts for custom farming or hires labor for all or part of the work on the farm unit.

(c) Participates annually in farm operation decisions or cropping practices on specific fields of the farm unit that are rented to a tenant.