

CHAPTER 147**MOTOR VEHICLE OPERATION — PARKING — LITTERING**

S.F. 177

AN ACT relating to motor vehicle operator prohibitions and restrictions including careless driving, littering, blood alcohol test certificates, and by establishing or making existing penalties applicable.

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

Section 1. Section 321.236, subsection 1, paragraph a, Code 1997, is amended to read as follows:

a. May be charged and collected upon a simple notice of a fine payable to the city clerk or clerk of the district court, if authorized by ordinance. The fine shall not exceed five dollars except for snow route parking violations in which case the fine shall not exceed twenty-five dollars. The fine may be increased up to ten dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred, if authorized by ordinance. Violations of section 321L.4, subsection 2, may be charged and collected upon a simple notice of a fifty one hundred dollar fine payable to the city clerk or clerk of the district court, if authorized by ordinance. No costs or other charges shall be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county.

Sec. 2. NEW SECTION. 321.277A CARELESS DRIVING.

A person commits careless driving if the person intentionally operates a motor vehicle on a public road or highway in any one of the following ways:

1. Creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping.
2. Simulates a temporary race.
3. Causes any wheel or wheels to unnecessarily lose contact with the ground.
4. Causes the vehicle to unnecessarily turn abruptly or sway.

Sec. 3. Section 321.369, Code 1997, is amended to read as follows:

321.369 PUTTING DEBRIS ON HIGHWAY.

~~No A person shall not throw or deposit upon any a highway any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris. No A person shall not throw or deposit upon a highway a substance likely to injure any person, animal, or vehicle upon such the highway shall be thrown or deposited by any person upon any highway. Any A person who violates any provision of this section or section 321.370 shall be guilty of commits a misdemeanor and upon arrest and conviction therefor shall be punished punishable as provided in a scheduled violation under section 321.482 805.8, subsection 2, paragraph "ad".~~

Sec. 4. Section 321J.7, Code 1997, is amended to read as follows:

321J.7 DEAD OR UNCONSCIOUS PERSONS.

A person who is dead, unconscious, or otherwise in a condition rendering the person incapable of consent or refusal is deemed not to have withdrawn the consent provided by section 321J.6, and the test may be given if a licensed physician certifies in advance of the test that the person is dead, unconscious, or otherwise in a condition rendering that person incapable of consent or refusal. If the certification is oral, a written certification shall be completed by the physician within a reasonable time of the test.

Sec. 5. NEW SECTION. 321L.2A WHEELCHAIR LIFT WARNING CONE.

The department shall, upon the request of a person issued a handicapped parking permit under section 321L.2 who operates a motor vehicle with a wheelchair lift, provide the person

with a traffic cone bearing the international symbol of accessibility and the words "wheel-chair lift space". The department shall adopt rules as necessary to implement this section.

Sec. 6. Section 321L.4, subsection 2, Code 1997, is amended to read as follows:

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 parking permit; by a motor vehicle displaying a handicapped parking permit but not being used by a person 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 parking permit, which is a misdemeanor for which a scheduled fine shall be imposed upon the owner, operator, or lessee of the motor vehicle or the person to whom the handicapped parking permit is issued. The scheduled fine for each violation shall be ~~one hundred dollars~~ as established in section 805.8, subsection 2, paragraph "a". Proof of conviction of two or more violations involving improper use of a handicapped parking permit is grounds for revocation by the court or the department of the holder's privilege to possess or use the handicapped parking permit.

Sec. 7. Section 321L.6, subsection 3, Code 1997, is amended to read as follows:

3. The handicapped parking sign shall include a sign stating that the scheduled fine for improperly using the handicapped parking space is ~~fifty dollars~~ as established in section 805.8, subsection 2, paragraph "a".

Sec. 8. Section 805.8, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars. The scheduled fine for a parking violation of section 321.236 increases in an amount up to ten dollars, as authorized by ordinance pursuant to section 321.236, subsection 1, paragraph "a", if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph "a", are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 321.362 or 461A.38 the scheduled fine is ten dollars. For a parking violation under section 321L.4, subsection 2, the scheduled fine is ~~fifty~~ one hundred dollars.

Sec. 9. Section 805.8, subsection 2, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. ad. For violations of section 321.277A, 321.369 or 321.370, the scheduled fine is twenty-five dollars.

Approved May 19, 1997