

ORDINANCE NO. 174

AN ORDINANCE REQUIRING DRIVERS CARRY PROOF OF
SECURITY AGAINST LIABILITY

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY
HEIGHTS, IOWA:

Section 1. Proof of security against liability required.

- a. Notwithstanding chapter 321A of the Iowa Code, which requires certain person to maintain proof of financial responsibility, a person shall not drive a motor vehicle on the streets of University Heights unless financial liability coverage, as defined in section 321.1(24B) of the Iowa Code, is in effect for the motor vehicle, and unless the driver has in the motor vehicle the proof of financial liability coverage card issued for the motor vehicle, or if the vehicle is registered in another state, other evidence that financial liability coverage is in effect for the motor vehicle.
- b. It shall be conclusively presumed that a motor vehicle driven upon a parking lot which is available to the public without charge within the University Heights city limits, or which is available to customers or invitees of a business or facility within the University Heights city limits without charge, was driven on the streets of University Heights in order to enter the parking lot, and this Section shall be applicable to such a motor vehicle. As used in this Section, "parking lot" includes access roads, drives, lanes, aisles, entrances, and exits to and from a parking lot described in this paragraph.
- c. This Section does not apply to the operator of a motor vehicle owned by or leased to the United States, the State of Iowa or another state, or any political subdivision of the State of Iowa or of another state, or to a motor vehicle which is subject to section 325A.6 of the Iowa Code.

Section 2. Officer's duty regarding motor vehicles registered in Iowa.

- a. If a peace officer stops a motor vehicle registered in the State of Iowa, and the driver is unable to provide proof of financial liability coverage, the peace officer shall do one of the following:
- (1) Issue a warning memorandum to the driver.
 - (2) Issue a citation to the driver.
 - (3) Issue a citation and remove the motor vehicle's license plates and registration receipt.
 - (a) Upon removing the license plates and registration receipt, the peace officer shall deliver the plates for destruction, as appropriate, and forward the registration receipt and evidence of the violation, as determined by the Iowa Department of Transportation, to the county treasurer of the county in which the motor vehicle is registered.
 - (b) The motor vehicle may be driven for a time period of up to forty-eight hours after receiving the citation solely for the purpose of removing the motor vehicle from the highways of the State of Iowa, unless the driver's operating privileges are otherwise suspended. After receiving the citation, the driver shall keep the citation in the motor vehicle at all times while driving the motor vehicle as provided in this subparagraph, as proof of the driver's privilege to drive the motor vehicle for such limited time and purpose.
 - (4) (a) Issue a citation, remove the motor vehicle's license plates and registration receipt, and impound the motor vehicle. The peace officer shall deliver the plates for destruction, as appropriate, and forward the registration receipt and evidence of the violation, as determined by the Iowa Department of

Transportation, to the county treasurer of the county in which the motor vehicle is registered.

(b) A motor vehicle which is impounded may be claimed by a person if the owner provides proof of financial liability coverage and proof of payment of any applicable fine and the costs of towing and storage for the motor vehicle, in accordance with the provisions of section 321.20B(4)(a)(4)(b) of the Iowa Code. If the motor vehicle is not claimed within thirty days after impoundment, the motor vehicle may be treated as an abandoned vehicle pursuant to Iowa Code section 321.89.

(c) The holder of a security interest in a motor vehicle which is impounded pursuant to this subparagraph shall be notified of the impoundment within seventy-two hours of the impoundment of the motor vehicle and shall have the right to claim the motor vehicle upon the payment of all fees, in accordance with the provisions section 321.20B(4)(a)(4)(b) of the Iowa Code. However, if the value of the vehicle is less than the security interest, all fees shall be divided equally between the lienholder and the City of University Heights.

b. An owner or driver of a motor vehicle who is charged with a violation of Section 1 and issued a citation under Section 2(a)(3) or Section 2(a)(4) above, is subject to the following:

(1) An owner or driver who produces to the clerk of court, prior to the date of the individual's court appearance as indicated on the citation, proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, or, if the driver is not the owner of the motor vehicle, proof that liability coverage was in effect for the driver with respect to the motor vehicle being driven at the time the driver was stopped and cited, in the same manner as if the motor vehicle were owned by the driver, and who is

given a receipt indicating that such proof was provided shall be subject to one of the following:

- (a) If the person was cited pursuant to Section 2(a)(3) above, the owner or driver shall provide a copy of the receipt to the county treasurer of the county in which the motor vehicle is registered, and the owner shall be assessed an administrative fee by the county treasurer who shall issue new license plates and registration to the person after payment of the fee, all pursuant to the direction of section 321.20B(4)(b)(1)(a) of the Iowa Code.
 - (b) If the person was cited pursuant to Section 2(a)(4) above, the owner or driver, after the owner provides proof of financial liability coverage to the clerk of court, may claim the motor vehicle after such person pays any applicable fine and the costs of towing and storage for the motor vehicle. The owner or driver may provide a copy of the receipt, and pay to the county treasurer of the county in which the motor vehicle is registered an administrative fee, after which the county treasurer shall issue new license plates and registration to the person, all pursuant to the direction of section 321.20B(4)(b)(1)(b) of the Iowa Code.
- (2) An owner or driver who is charged with a violation of Section 1, and who is unable to show that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, may do either of the following:
- (a) Sign an admission of violation on the citation and remit to the clerk of court the appropriate fine as provided in Section 5 below. Upon payment of the fine to the clerk of court, payment of an administrative fee to the county treasurer of the county in which the motor vehicle is registered, and providing proof of payment of any applicable fine and proof of financial liability coverage to the county

treasurer of the county in which the motor vehicle is registered, the treasurer may issue new license plates and registration to the owner, all pursuant to the direction of Iowa Code section 321.20B(4)(b)(2)(a).

- (b) Request an appearance before the court on the matter. If the matter goes before the court, and the owner or driver is found guilty of a violation of Section 1, the court shall impose the appropriate fine as provided in Section 5 below, or the court may order the person to perform unpaid community service instead of the fine. Upon the payment of the fine or the entry of the order for unpaid community service, if the person provides proof of payment or entry of such order, the county treasurer may issue new license plates and registration to the owner upon the owner providing proof of financial liability coverage and paying an administrative fee to the county treasurer, all pursuant to the direction of Iowa Code section 321.20B(4)(b)(2)(b).

- c. An owner or driver cited for the violation of Section 1, who produces to the clerk of court prior to the date of the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issued shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.

Section 3. Officer duty regarding motor vehicles not registered in Iowa. If the motor vehicle is not registered in the State of Iowa, and the driver is a not a resident of Iowa, the peace officer shall do one of the following:

- a. Issue a warning memorandum to the driver.

- b. Issue a citation. An owner or driver who produces to the clerk of court prior to the date of the person's court appearance as indicated on the citation proof that the financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, or if the driver is not the owner of the motor vehicle, proof that liability coverage was in effect for the driver with respect to the motor vehicle being driven at the time the driver was stopped and cited in the same manner as if the motor vehicle were owned by the driver, shall be given a receipt indicating that proof was provided, and the citation issued shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.

Section 4. Exceptions.

- a. This section does not apply to a snowmobile or all-terrain vehicle, or to a motor vehicle identified in Iowa Code section 321.18, subsections 1 through 6, and subsection 8.
- b. This section does not apply to a lienholder who has a security interest in a motor vehicle subject to the registration requirements of Chapter 321 of the Iowa Code, so long as such lienholder maintains financial liability coverage for any motor vehicle driven or moved by the lienholder in which the lienholder has an interest.
- c. This section does not apply to a motor vehicle owned by a motor vehicle dealer or wholesaler licensed pursuant to Chapter 322 of the Iowa Code.


Section 5. Penalty. If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of Section 1 above, such person shall be guilty of a simple misdemeanor punishable by a fine of five hundred dollars (\$500.00); otherwise, such person shall be guilty of simple misdemeanor punishable by a fine of two hundred fifty dollars (\$250.00). The sentence imposed under this section shall not be suspended or deferred by the court, nor shall judgment be deferred,

notwithstanding the provisions of chapter 904 of the Code of Iowa, as amended, or any other provisions of statute.


Section 6. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

This ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council this 10th day of November, 2009, and approved this 10th day of November, 2009.

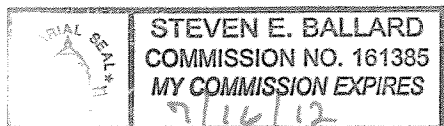

Louise From, Mayor

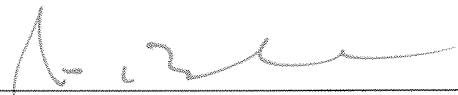
ATTEST: (seal)


Christine M. Anderson,
City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 10th day of November, 2009, before me, a notary public in and for the state of Iowa, personally appeared Louise From and Christine M. Anderson, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the city; and that said instrument was signed and sealed on behalf of the city, and that Louise From and Christine Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the city, by it and by them voluntarily executed.




Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the 12th day of December, 2009.

Christine M. Anderson
Christine Anderson, City Clerk

Signed and sworn to before me on the 12th day of December, 2009, by Christine M. Anderson, Clerk of the City of University Heights.



[Signature]
Notary Public in and for the
State of Iowa

PJF:jo