

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2002 JUL 25 P 4: 25

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Department of Administration TITLE NUMBER: 148

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code § 5A-4-5

AMENDMENT TO AN EXISTING RULE: YES X NO     

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Parking

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:     

TITLE OF RULE BEING PROPOSED:     

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 25, 2002 AT 10:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Donna Prunty, Executive Coordinator

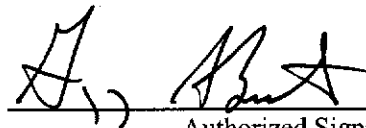
Department of Administration

1900 Kanawha Boulevard, East

Building 1, Room E-119

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

3-60

**Agency:** Department of Administration  
**Rule Type:** Legislative

**Title Number:** 148  
**Cite Authority:** 5A-4-5

## **STATEMENT OF CIRCUMSTANCE AND BRIEF SUMMARY**

The Department of Administration is proposing to establish legislative rules regarding the fines and fees charged by the parking system. The proposed rule updates the fees and fines collected through the parking system and sets charges for lost parking tags and access cards. The fees for monthly parking will increase one dollar (\$1.00) per month each year for a five year period. The fines for persons violating the parking rules increase as set forth in the attached rules.

FILED

2001 JUN 25 P 4: 26  
WEST VIRGINIA  
SECRETARY OF STATE

TITLE 148  
LEGISLATIVE RULE  
DEPARTMENT OF ADMINISTRATION

SERIES 6  
PARKING

§148-6-1. General.

1.1. Scope. -- This legislative rule provides for the regulation of parking of motor vehicles by the Secretary of the Department of Administration on property owned or leased by the State of West Virginia, or any of its agencies, in the city of Charleston, Kanawha County, West Virginia, including penalties.

1.2. Authority -- W. Va. Code §5A-4-5.

1.3. Filing Date. -- July 3, 2001

1.4. Effective Date. -- \_\_\_\_\_

or any of its agencies and used for parking purposes in conjunction with the state capitol or any state office buildings.

~~(c). The parking garage at 212 California Avenue and upon the state-owned grounds upon which such parking garage is located;~~

~~(f). State-owned property at Michigan Avenue and Virginia Terrace; and~~

~~(g). Any other property now or hereafter owned by the State and used for parking purposes in conjunction with the state capitol or state office buildings three (3) and four (4), including the Laidley Field complex.~~

§148-6-2. Parking Areas.

2.1. General. Parking on ~~the following~~ property owned by the State of West Virginia in the City of Charleston, Kanawha County, West Virginia is subject to this rule and includes but is not limited to:

(a). The east side of Greenbrier Street between Kanawha Boulevard and Washington Street, East;

(b). The west side of California Avenue between Kanawha Boulevard and Washington Street, East;

(c). State-owned or leased grounds upon which state office buildings ~~number three (3) is located; numbers one (1) through twenty (20) are located, and including the Laidley Field Complex.~~

(d). ~~State-owned grounds upon which state office building number four (4), 112 California Avenue, is located; Any other property now or subsequently owned or leased by the State~~

The Secretary of Administration may also ~~has~~ the authority to designate any area ~~enumerated in this section~~ as a parking or non parking area, as he or she determines for the conduct of business at the capitol ~~complex~~ or any state office buildings on a daily basis or for special occasions, as they may arise, except as provided in Sub Section 2.2 of this rule.

2.2. Legislative Sessions. During sessions of the Legislature, including regular, extended, extraordinary and interim sessions, parking in the following areas is designated parking for legislators and employees of the Legislature and subject to rules promulgated jointly by the Speaker of the House of Delegates and President of the Senate:

(a). The east side of Greenbrier Street between Kanawha Boulevard and Washington Street, East;

(b). The Science and Culture Center parking lot;

(c). The north side of Kanawha Boulevard between Greenbrier Street and California Avenue; and

(d). The west side of California Avenue between Kanawha Boulevard and Washington Street, East;

### **§148-6-3. ~~Parking Guards Personnel~~**

The Secretary of Administration shall employ such persons as he or she considers necessary to enforce this parking rule. The persons employed by the Secretary have authority to direct traffic and issue tickets in violation of this rule, as well as such any other authority as determined by the Secretary.

### **§148-6-4. Metered Parking.**

The Secretary of Administration may install ~~parking meters~~ metered parking in any areas designated for parking he or she considers prudent to permit convenient parking spaces for visitors to the state capitol or any state office buildings. The amount to be charged for parking at meters shall be determined by the Secretary .50 cents per hour.

### **§148-6-5. ~~Parking for State Officers and Employees.~~**

~~Parking for state officers and employees is may be provided, at the discretion of the Secretary, to state spending units by the Secretary of Administration in areas and numbers determined by the Secretary for that purpose and/or individuals or organizations that he or she considers appropriate. The spending unit shall issue individual parking spaces in accordance with the parking allocation policies of the spending unit, subject to this rule. The fees for each parking space is fifteen dollars (\$15.00) per month and payment is made through payroll deduction, unless otherwise authorized by the Secretary. The fee to park shall be sixteen dollars (\$16.00) per month as of July 1, 2002; seventeen dollars (\$17.00) per month as of July 1, 2003; eighteen dollars (\$18.00) per month as of July 1, 2004;~~

nineteen dollars (\$19.00) per month as of July 1, 2005; twenty dollars (\$20.00) per month as of July 1, 2006. Each spending unit shall remit payment monthly to the Department of Administration for all parking spaces assigned to each spending unit. It is the responsibility of the spending unit to keep all spaces assigned to its employees and to collect the appropriate monthly fee. Payment by the employees shall be made through payroll deduction, unless otherwise authorized by the Secretary.

For locations outside the Capitol Complex, all spending units shall charge \$20.00 per month for parking unless the facility consists of all free, public access parking (i.e., shopping centers or other facilities approved by the Secretary). Custody of the funds outside of the Capitol Complex shall be the subject of negotiations between the spending unit and the Department of Administration. All funds shall go to the Department of Administration.

### **§148-6-6. Violations.**

6.1. General. The owner of any motor vehicle parked in violation of this rule is subject to the penalty specified in Section 7 of this rule and is responsible for the payment of any fines, penalties or costs assessed, regardless of whether the owner was operating the motor vehicle at the time of the violation. The Secretary may waive the violation and assessed fines, penalties and costs, in his or her discretion. Further, the Secretary may authorize the removal, immobilization, or any other remedy considered necessary, at owner expense, of any motor vehicle parked in violation of this rule. The Secretary may also authorize the removal, immobilization, or any other remedy considered necessary, at owners expense, of a vehicle whose owner owes more than ten (10) unpaid violations. The Secretary may also authorize the revocation of a state issued parking space of a vehicle whose owner owes more than ten (10) unpaid violations.

6.2. Metered Parking. The owner of a motor vehicle parked at ~~a parking meter~~ metered parking with elapsed time during the hours of 9:00 a.m. through 4:00 p.m. 8:00 a.m. through 5:00 p.m.

148CSR6

Monday through Friday, except holidays, is subject to ~~an~~ overtime parking fine(s) in accordance with Section 7 of this rule or other hours as the Secretary considers appropriate. ~~Motor vehicles ticketed between 9:00 a.m. and 12:00 noon may be ticketed again between the hours of 1:00 p.m. and 4:00 p.m., with each ticket containing an overtime parking fine in accordance with Section 7 of this rule .~~ In no event may a singular vehicle at a single parking meter be ticketed more than ~~twice~~ four times in one working day.

6.3. Designated Area Parking. The owner of a motor vehicle parked at any time in an area designated handicapped parking, legislative parking, or reserved parking or no parking during the hours of 9:00 a.m. through 4:00 p.m. Monday through Friday, except holidays, is subject to a parking fine(s) in accordance with Section 7 of this rule. ~~Motor vehicles ticketed between 9:00 a.m. and 12:00 noon may be ticketed again between the hours of 1:00 p.m. and 4:00 p.m., with each ticket containing a parking fine in accordance with Section 7 of this rule.~~

6.4. Parking in Travel Lanes. The owner of a motor vehicle parked in a travel lane is subject to a parking in travel lane parking fine in accordance with Section 7 of this rule.

6.5. Other Violations. The owner of a motor vehicle parked at the Capitol Complex in a manner that is inconsistent with safe motor vehicle practices or parked in a space that has not been assigned for purpose of parking that vehicle is subject to an improper parking fine in accordance with Section 7 of this rule.

§148-6-7. Penalties.

7.1. Fines. A person who violates this rule is subject to the following fines:

Handicapped Area(up to)	\$100.00
Legislative Parking Area	<del>4</del> 10.00
Reserved Parking Area	<del>4</del> 10.00
Parking in Travel Lane	<del>4</del> 10.00
Overtime Parking	35.00

No Parking Area	310.00
Improper Parking	310.00
Lost Parking Tag	10.00
Lost Access Card	15.00
Other Violations(up to)	100.00

7.2. Payment. Payment of fines is required within ~~seventy-two (72) hours~~ ten days (10) of the time the ticket was issued to either the ticket receipt boxes provided by the Department of Administration or to the address printed on the ticket. Fines not paid within ~~seventy-two (72) hours~~ ten days (10) are subject to double an additional fines not to exceed twenty dollars (\$205.00) each. ~~A summons may be issued for tickets not paid within fourteen (14) days. These fines may be remitted by payroll deduction to the Office of the Secretary. In addition to the penalties set forth in subsection 6.1, A civil summons may be issued for tickets not paid with fourteen (14) days.~~

7.3. Jurisdiction. Magistrates in Kanawha County, West Virginia have jurisdiction of violations and offenses of this rule.

7.4. Exceptions. The Secretary may grant necessary exceptions to this Rule.

## APPENDIX B

### FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 148, Series 6, Parking

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Department of Administration

Address: 1900 Kanawha Boulevard, East

Building 1, Room E-119

Charleston, WV 25305

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#### 1. Effect of Proposed Rule:

	ANNUAL FISCAL YEAR				
	Increase	Decrease	Current	Next	Thereafter
ESTIMATED TOTAL COST	-0-	-0-	-0-	-0-	-0-
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

#### 2. Explanation of Above Estimates:

No costs will be associated with the passage of the proposed rule changes.

**3. Objectives of These Rules:**

To update the fees and fines collected through the parking system and to increase revenues to the State of West Virginia over a five year period.

**4. Explanation of Overall Economic Impact of Proposed Rule:**

**A. Economic Impact on State Government:**

Estimated to increase revenues in the amount of \$35,000.00 - \$50,000.00 annually for the next five years.

**B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:**

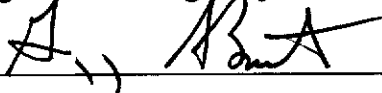
None

**C. Economic Impact on Citizens/Public at Large.**

None

Date: 6/25/02

Signature of Agency Head or Authorized Representative:





STATE OF WEST VIRGINIA  
DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE CABINET SECRETARY

BOB WISE  
GOVERNOR

GREGORY A. BURTON  
CABINET SECRETARY

June 25, 2002

***Via Hand-Delivery***

The Honorable Joe Manchin, III  
Secretary of State  
Building 1, Suite 157K  
1900 Kanawha Boulevard, East  
Charleston, WV 25305

**Re: Legislative Rules**

Dear Secretary Manchin,

I am enclosing an original and one copy of the documents listed below for filing. The proposed rules are being filed in to update fees and fines charged for Parking. I will provide a copy of the enclosed documents to the Legislative Rule Making Review Committee once they are marked filed by your office.

The documents enclosed consist of the following:

1. Notice of Comment Period on a Proposed Rule,
2. Statement of Circumstance and Brief Summary,
3. Proposed Rules, and
4. Fiscal Note for Proposed Rules.

Thank you very much for your assistance. If you have any questions, or need any additional information, please do not hesitate to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna M. Prunty".

Donna M. Prunty  
Executive Coordinator

DMP:dp  
Enclosures  
cc: Gregory A. Burton, Cabinet Secretary