

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark in this Box

FILED

JUN 30 11 50 AM '95

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Department of Administration-Parking TITLE NUMBER: 148

RULE TYPE: Legislative; CITE AUTHORITY §5A-4-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Parking

IF NO, SERIES NUMBER OF NEW 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 30, 1995 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Department of Administration
Attn: Chuck Polan
1900 Kanawha Blvd., East
Room E-119, Building 1
Charleston, W 25305

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
State Capitol
Charleston, WV 25305

Gaston Caperton
Governor

June 30, 1995

Chuck Polan
Cabinet Secretary

The Honorable Ken Hechler
Secretary of State
Office of the Secretary of State
Capitol Complex, Room 157-K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Re: Filing Legislative Rules

Dear Mr. Hechler:

Approval is hereby given for the filing of the enclosed rules for the Department of Administration, entitled "Parking" which are in accordance with the West Virginia Code.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Polan".

Chuck Polan
Secretary

CP:tj

Enclosures

STATEMENT OF THE CIRCUMSTANCES

This rule provides for the regulation of parking of motor vehicles by the Secretary of the Department of Administration on state owned property.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Department of Administration-Parking Title 148 Series 6
 Type of Rule: X Legislative Interpretive Procedural
 Agency Department of Administration
 Address 1900 Kanawha Blvd., East
Building 1, Room E119
Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

We do not expect the proposed amendment to increase costs.

3. Objectives of these rules:

This rule provides for the regulation of parking motor vehicles by the Secretary of the Department of Administration on state owned property.

Rule Title: Parking Title 148 Series 6

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

We anticipate a small increase in revenues, possibly 10%, to allow for increasing costs of security services and maintenance and operation of parking areas.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

None.

C. Economic Impact on Citizens/Public at Large.

Individuals receiving parking fines will see a slight increase in the fees charged.

Date: June 30, 1995

Signature of Agency Head or Authorized Representative

Chuck Polan

Chuck Polan, Cabinet Secretary

SUMMARY

This legislative rule governs the regulation of parking motor vehicles on state owned property.

FILED

148CSR6

JUN 30 11 50 AM '95

TITLE 148
LEGISLATIVE RULE
DEPARTMENT OF ADMINISTRATION

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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 by the State of West Virginia in the city of Charleston, Kanawha County, West Virginia, including penalties.

1.2. Authority.--West Virginia Code §5A-4-5.

1.3 Filing Date.--

1.4 Effective Date.--

§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 shall be subject to these regulations:

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

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

(c) State-owned grounds upon which state office building number three (3) is located;

(d) State-owned grounds upon which state office building number four (4), 112 California Avenue, is located;

(e) 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.

The Secretary of Administration shall also have the authority to designate any area enumerated in this section as a parking or nonparking area, as he/she determines for the conduct of business at the capitol complex on a daily basis or for special occasions, as they may arise, except as provided in 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 shall be designated parking for legislators and employees of the Legislature and subject to rules and regulations promulgated jointly by the Speaker of the House of Delegates and President of the Senate:

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

(b) Science and Culture Center parking lot;

(c) North side of Kanawha Boulevard between Greenbrier Street and California Avenue; and

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

§148-6-3. Parking Guards.

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

§148-6-4. Metered Parking.

The Secretary of Administration may install parking meters in any areas designated for parking he/she deems prudent to permit convenient parking spaces for visitors to the capitol. The amount to be charged for parking at meters shall be determined by the Secretary.

§148-6-5. Parking for state officers and employees.

Parking for state officers and employees shall be provided to state spending units by the Secretary of Administration in areas and numbers determined by the Secretary for that purpose. The spending unit shall issue individual parking spaces in accordance with the parking allocation policies of the spending unit, subject to these regulations. Fees for each parking space shall be fifteen dollars (\$15.00) per month and payment shall be made through payroll deduction; unless otherwise authorized by the Secretary.

§148-6-6. Violations.

6.1. General. The owner of any motor vehicle parked in violation of this rule shall be subject to the penalty specified in Section 7 of this rule and shall be 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 such violation and assessed fines, penalties and costs, in his discretion. Further, the Secretary may authorize the removal, at owner expense, of any motor vehicle parked in violation of these regulations.

6.2 Metered Parking. The owner of a motor vehicle parked at a parking meter with elapsed time during the hours of 9:00 a.m. through 4:00 p.m. Monday through Friday, except holidays, shall be subject to an overtime parking fine in accordance with Section 7 of these regulations. 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 these regulations. In no event may a singular vehicle at a single parking meter be ticketed more than twice in one working day.

§148-6-7. Penalties.

7.1. Fines. Violations of these regulations are subject to the following fines:

Handicapped Area	\$25.00	
Legislative Parking Area	4.00	<u>5.00</u>
Reserved Parking Area	4.00	<u>5.00</u>
Parking in Travel Lane	4.00	<u>5.00</u>
Overtime Parking	3.00	<u>5.00</u>
No Parking Zone	3.00	<u>5.00</u>
Improper Parking	3.00	<u>5.00</u>
Car Pool Area	3.00	
Outside Spending Unit Area	3.00	
Other	3.00	<u>5.00</u>

7.2. Payment. Payment of fines shall be made within seventy-two (72) hours 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 shall be subject to an additional fine not to exceed five dollars (\$5.00). A summons may be issued for tickets not paid within fourteen (14) days.

7.3. Jurisdiction. Magistrates in Kanawha County, West Virginia shall have jurisdiction of violations and offenses of these regulations.