

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

**FILED**

SEP 21 3 40 PM '95

Form #4

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: Department of Administration TITLE NUMBER: 148

CITE AUTHORITY WV Code §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: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

148CSR6

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 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.--~~April 3, 1991.~~

1.4 Effective Date.--~~April 3, 1991.~~

**§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 is subject to ~~these regulations~~ this rule:

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

(b) ~~West~~ The 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~~ 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.

The Secretary of Administration shall also have ~~has~~ the authority to designate any area enumerated in this section as a parking or nonparking area, as he ~~or~~ 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~~ is 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~~ The east side of Greenbrier Street between Kanawha Boulevard and Washington Street, East;

(b) The Science and Culture Center parking lot;

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

(d) ~~West~~ The 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 ~~or~~ she considers necessary to enforce ~~these~~ this parking ~~regulations~~ rule. The persons employed by the Secretary shall have authority to direct traffic and issue tickets in violation of ~~these~~ regulations this rule, 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~~ he or she considers 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~~ is 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 this rule.~~ Fees ~~The fees~~ for each parking space ~~shall be~~ is fifteen dollars (\$15.00) per month and payment ~~shall be~~ is 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~~ is subject to the penalty specified in Section 7 of this rule and ~~shall be~~ 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 ~~such~~ the violation and assessed fines, penalties and costs, in his or her discretion. Further, the Secretary may authorize the removal, at owner expense, of any motor vehicle parked in violation of ~~these regulations this rule.~~

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~~ is subject to an overtime parking fine in accordance with Section 7 of ~~these regulations 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 an overtime parking fine in accordance with Section 7 of ~~these regulations this rule.~~ In no event may a singular vehicle at a single parking meter be ticketed more than twice in one working day.

6.3 Designated Area Parking. The owner of a motor vehicle parked in an area designated handicapped parking, legislative parking, 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 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 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. ~~Violations of these regulations are~~ A person who

violates this rule is subject to the following fines:

|                                       |                     |                 |
|---------------------------------------|---------------------|-----------------|
| Handicapped <u>Area</u>               | \$ <del>25.00</del> | <u>\$100.00</u> |
| Legislative Parking Area              | 4.00                |                 |
| Reserved Parking Area                 | 4.00                |                 |
| Parking in Travel Lane                | 4.00                |                 |
| Overtime Parking                      | 3.00                |                 |
| No Parking <u>Zene Area</u>           | 3.00                |                 |
| Improper Parking                      | 3.00                |                 |
| <del>Car Pool Area</del>              | <del>3.00</del>     |                 |
| <del>Outside Spending Unit Area</del> | <del>3.00</del>     |                 |
| <del>Other</del>                      | <del>3.00</del>     |                 |

7.2. Payment. Payment of fines ~~shall be made~~ is required 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~~ are 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~~ this rule.

A:REGULATIONS\PARK1 (21Sep95 14:42)



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SEP 13 2 41 PM '95

West Virginia Legislature  
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Room MB47-State Capitol  
Charleston, West Virginia 25305  
(304) 347-4840

Senator Mike Ross, Co-Chair  
Delegate Vickie Douglas, Co-Chair

September 11, 1995

Debra A. Graham, Counsel  
Joe Altizer, Associate Counsel  
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Chuck Polan  
Cabinet Secretary  
Dept. of Administration  
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Parking

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed
  - (b) as modified by the agency   X
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. \_\_\_\_\_
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
- 5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. \_\_\_\_\_

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Diana Stout, General Counsel