

# WEST VIRGINIA

## SECRETARY OF STATE

KEN HECHLER

### ADMINISTRATIVE LAW DIVISION

Form #6

FILED

APR 2 2 07 PM '96

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

#### NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AGENCY: Department of Administration TITLE NUMBER: 148

AMENDMENT TO AN EXISTING RULE: YES XX, 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 RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) House Bill 4229

SECTION 64-2-1(b), PASSED ON March 9, 1996

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
THE FOLLOWING DATE: May 3, 1996

Chuck Polan  
AUTHORIZED SIGNATURE  
Chuck Polan, Cabinet Secretary

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.--.

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 is subject to this rule:

(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 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) 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 also 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 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.**

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 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 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 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 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.

**§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, at owner expense, of any motor vehicle parked in violation of 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, is subject to an overtime 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 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 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. A person who violates this rule is subject to the following fines:

Handicapped Area	\$100.00
Legislative Parking Area	4.00

Reserved Parking Area	4.00
Parking in Travel Lane	4.00
Overtime Parking	3.00
No Parking Area	3.00
Improper Parking	3.00

7.2. Payment. Payment of fines 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 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 have jurisdiction of violations and offenses of this rule.

0524

H. B. 4230

(By ~~Delegates Douglas, Gallagher, Faircloth, Compton,~~  
~~Lynch and Riggs~~ )

(Introduced January 29, 1996 ; referred to the  
Committee on Government Organization then the Judiciary .)

A BILL to amend article two, chapter sixty-four of the code of  
West Virginia, one thousand nine hundred thirty-one, as  
amended, by adding thereto a new section, designated section  
five, relating to authorizing the department of  
administration to promulgate legislative rules relating to  
parking.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixty-four of the code of West  
Virginia, one thousand nine hundred thirty-one, as amended, be  
amended by adding thereto a new section, designated section five,  
to read as follows:

ARTICLE 2. AUTHORIZATION FOR DEPARTMENT OF ADMINISTRATION TO  
PROMULGATE LEGISLATIVE RULES.

§64-2-5. Department of administration.

The legislative rules filed in the state register on the

4230

1 thirty-first day of July, one thousand nine hundred ninety-five,  
2 under the authority of section five, article four, chapter five-  
3 a, of this code, modified by the department of administration to  
4 meet the objections of the legislative rule-making review  
5 committee and refiled in the state register on the twenty-first  
6 day of September, one thousand nine hundred ninety-five, relating  
7 to the department of administration (parking, 148 CSR 6), are  
8 authorized.

9

10 NOTE: The purpose of this bill is to authorize the  
11 Department of Administration to promulgate legislative rules  
12 relating to parking.

13

14 This section is new; therefore, strike-throughs and  
15 underscoring have been omitted.

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9

SENATE BILL NO. 161

(By Senators Ross, Anderson, Boley,  
Buckalew, Grubb and Macnaughtan)

[Introduced January 29, 1996; referred  
to the Committee on

GOVERNMENT ORGANIZATION

FINANCE

THE JUDICIARY

148-6

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13 five, relating to authorizing the department of  
14 administration to promulgate legislative rules relating to  
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16 Be it enacted by the Legislature of West Virginia:

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18 Virginia, one thousand nine hundred thirty-one, as amended, be  
19 amended by adding thereto a new section, designated section five,  
20 to read as follows:

21 ARTICLE 2. AUTHORIZATION FOR DEPARTMENT OF ADMINISTRATION TO  
22 PROMULGATE LEGISLATIVE RULES.

23 §64-2-5. Department of administration.

24 The legislative rules filed in the state register on the

1 thirty-first day of July, one thousand nine hundred ninety-five,  
2 under the authority of section five, article four, chapter five-  
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11 Department of Administration to promulgate legislative rules  
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15 underscoring have been omitted.

KEN HECHLER  
Secretary of State  
  
MARY P. RATLIFF  
Deputy Secretary of State  
  
STEPHEN N. REED  
Deputy Secretary of State  
  
CATHERINE FREROTTE  
Executive Assistant



WILLIAM H. HARRINGTON  
Chief of Staff  
  
JUDY COOPER  
Director, Administrative Law  
  
PENNEY BARKER  
Supervisor, Corporations

**STATE OF WEST VIRGINIA**  
**SECRETARY OF STATE**  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

Telephone: (304) 558-6000  
Corporations: (304) 558-8000  
FAX: (304) 558-0900

(Plus all the volunteer help we can get)

TO: Tara Justice

AGENCY: Department of Administration

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: April 19, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 6 TITLE: 148 Department of Administration

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

APR 22 9 00 AM '96

FILED

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Tara Justice

TITLE OF PERSON SIGNING: Paralegal

DATE: 4/19/96

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

STEPHEN N. REED  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

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WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

PENNEY BARKER  
Supervisor, Corporations

## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

(Plus all the volunteer  
help we can get)

March 12, 1996

Diana Stout  
Administration  
1900 Kanawha Blvd. E. East  
Bldg. 1, Rm. E-119  
Charleston, WV 25305

**HB 4229** authorizing, Title 148, Series 06, Parking, passed the Legislature on **March 9, 1996**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **HB 4229** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **HB 4229 Section 64-2-1(b)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

**\*\*\*IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,  
Administrative Law Division