

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED

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SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Department of Administration TITLE NUMBER: 148

RULE TYPE: Legislative; CITE AUTHORITY West Virginia Code Section 5A-4-5

AMENDMENT TO AN EXISTING RULE: YES NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED:

TITLE OF RULE BEING AMENDED:

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: SIX (6)

TITLE OF RULE BEING PROPOSED: Parking

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 September 20, 1990 AT 4:30 p.m.

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

Department of Administration
Capitol Complex E-119
Charleston, W.V. 25305
Attn: Secretary Polan

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

Handwritten signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

SUMMARY OF THE PROPOSED RULE

These rules provide for the enforcement of parking regulations of motor vehicles by the Secretary of Administration on property owned by the State. These regulations include the enforcement of penalties.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Parking

Type of Rule: Legislative Interpretive Procedural

Agency Department of Administration Address Capitol Complex E-119
Charleston, W. V. 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates: No additional costs are anticipated by promulgating and implementing these rules.

3. Objectives of these rules: The objective of these rules is to provide more available parking to the general public.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Collection of parking violations is expected to generate an estimated \$10,000 per year in revenues.

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

NONE.

C. Economic Impact on Citizens/Public at Large.

NONE.

Date: August 17, 1990

Signature of Agency Head or Authorized Representative

CW Palm

148 CSR 6

TITLE 148
LEGISLATIVE RULES
DEPARTMENT OF ADMINISTRATION

SERIES 6

PARKING

Section 148-6-1. General.

1.1 Scope.--These Legislative Rules provide 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 Section 5A-4-5.

1.3 Filing Date.--

1.4 Effective Date.--

Section 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 non-parking 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 herein.

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.

Section 148-6-3. Parking Guards.

The Secretary of Administration shall employ such persons as he/she deems 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.

Section 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.

Section 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 such parking space shall be fifteen dollars (\$15.00) per month and payment shall be made through payroll deduction, unless otherwise authorized by the Secretary.

Section 148-6-6. Violations.

6.1 General.--The owner of any motor vehicle parked in violation of these regulations shall be subject to the penalty specified in Section 7 herein 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.

Section 148-6-7. Penalties.

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

Handicapped.	\$25.00
Legislative Parking Area	4.00
Reserved Parking Area.	4.00
Parking in Travel Lane	4.00
Overtime Parking	3.00
No Parking Zone.	3.00
Improper Parking	3.00
Car Pool Area.	3.00
Outside Spending Unit Area	3.00
Other.	3.00

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.