

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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1991 JAN 24 AM 11:46
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Department of Administration TITLE NUMBER: 148

CITE AUTHORITY West Virginia Code Section 5A-4-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING PROPOSED: Parking

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.

C. W. Polun

148 CSR 6

TITLE 148
LEGISLATIVE RULES
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 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 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.	\$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.



WEST VIRGINIA LEGISLATURE
 LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
 Room M-438, State Capitol
 Charleston, West Virginia 25305
 (304) 340-3286

Senator Lloyd Jackson, Co-Chairman
 Delegate Patrick H. Murphy, Co-Chairman

Debra A. Graham, Counsel
 Michael McThomas, Associate Counsel
 Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

January 10, 1991

TO: Ken Hechler, Secretary of State, State Register
 TO: The Honorable Chuck Polan, Secretary
 Department of Administration
 State Capitol
 Charleston, WV 25305
 FROM: Legislative Rule-Making Review Committee
 PROPOSED RULE: Parking Regulations

1991 JAN 23 PM 3:25
 FILED
 OFFICE OF THE SECRETARY OF STATE
 WEST VIRGINIA

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
 Dept. of Administration
 Capitol Complex E-119
 Charleston, WV 25305