

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #4 ■

Do Not Mark In This Box

FILED

2002 JAN 10 P 4:45

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Department of Administration TITLE NUMBER: 148

CITE AUTHORITY: 5A-4-5

AMENDMENT TO AN EXISTING RULE: YES NO

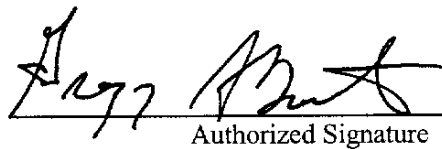
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Parking

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, 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



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

January 9, 2002

BOB WISE
GOVERNOR

GREGORY A. BURTON
CABINET SECRETARY

Via Hand-Delivery

The Honorable Joe Manchin, III
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305

**Re: Parking, 148CSR6
Legislative Rules**

FILED
2002 JAN - 9 P 4: 41
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Manchin,

I am enclosing the original and ten copies of the proposed Legislative Rules regarding Parking herein. These rules contain modifications recommended by the Legislative Rule-Making attorney as well as a modification recommended by the Legislative Rule-Making Committee. The Department of Administration has agreed to the modifications. It is my understanding that your office will maintain the original in your files. Once the ten copies have been stamped filed I will provide the copies to the Legislative Rule-Making office.

Thank you very much for your assistance. If you have any questions, or need any additional information, please do not hesitate to give me a call.

Sincerely,

Donna M. Prunty
Executive Coordinator

DMP:dp
Enclosures
cc: Debra Graham, Counsel for Legislative Rule-Making
Gregory A. Burton, Cabinet Secretary
David Tincher, Director of Purchasing

FILED

TITLE 148
LEGISLATIVE RULE
DEPARTMENT OF ADMINISTRATION

2002 JAN -9 P 4:41

SERIES 6
PARKING

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§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 or leased by the State of West Virginia, or any of its agencies, in the city of ~~Charleston~~, Kanawha County, West Virginia, including penalties.

1.2. Authority -- W. Va. Code §5A-4-5.

1.3. Filing Date. -- July 3, 2001

1.4. Effective Date. -- _____

or any of its agencies and used for parking purposes in conjunction with the state capitol or any state office buildings.

~~(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.~~

§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 and includes but is not limited to:

(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 or leased grounds upon which state office buildings ~~number three (3) is located; numbers one (1) through twenty (20) are located, and including the Laidley Field Complex.~~

(d). ~~State-owned grounds upon which state office building number four (4), 112 California Avenue, is located; Any other property now or subsequently owned or leased by the State~~

The Secretary of Administration may also ~~has~~ the authority to designate any area enumerated in ~~this section~~ as a parking or non parking area, as he or she determines for the conduct of business at the capitol ~~complex~~ or any state office buildings on a daily basis or for special occasions, as they may arise, except as provided in Sub 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 Personnel~~

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 any other authority as~~ determined by the Secretary.

§148-6-4. Metered Parking.

The Secretary of Administration may install ~~parking meters~~ metered parking in any areas designated for parking he or she considers prudent to permit convenient parking spaces for visitors to the state capitol or any state office buildings. The amount to be charged for parking at meters shall be determined by the Secretary .50 cents per hour.

§148-6-5. ~~Parking for State Officers and Employees.~~

~~Parking for state officers and employees is~~ may be provided, at the discretion of the Secretary, to state spending units by the Secretary of Administration in areas and numbers determined by the Secretary for that purpose and/or individuals or organizations that he or she considers appropriate. 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. The fee to park shall be sixteen dollars (\$16.00) per month as of July 1, 2002; seventeen dollars (\$17.00) per month as of July 1, 2003; eighteen dollars (\$18.00) per month as of July 1, 2004;~~

nineteen dollars (\$19.00) per month as of July 1, 2005; twenty dollars (\$20.00) per month as of July 1, 2006. Each spending unit shall remit payment monthly to the Department of Administration for all parking spaces assigned to each spending unit. It is the responsibility of the spending unit to keep all spaces assigned to its employees and to collect the appropriate monthly fee. Payment by the employees shall be made through payroll deduction, unless otherwise authorized by the Secretary.

For locations outside the Capitol Complex, all spending units shall charge \$20.00 per month for parking unless the facility consists of all free, public access parking (i.e., shopping centers or other facilities approved by the Secretary). Custody of the funds outside of the Capitol Complex shall be the subject of negotiations between the spending unit and the Department of Administration. All funds shall go to the Department of Administration.

§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, immobilization, or any other remedy considered necessary, at owner expense, of any motor vehicle parked in violation of this rule. The Secretary may also authorize the removal, immobilization, or any other remedy considered necessary, at owners expense, of a vehicle whose owner owes more than ten (10) unpaid violations.

6.2. Metered Parking. The owner of a motor vehicle parked at a ~~parking meter~~ metered parking with elapsed time during the hours of 9:00 a.m. through 4:00 p.m. 8:00 a.m. through 5:00 p.m. Monday through Friday, except holidays, is subject to an overtime parking fine(s) in accordance with Section 7 of this rule or other

hours as the Secretary considers appropriate.
~~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~~ four times in one working day.~~

6.3. Designated Area Parking. The owner of a motor vehicle parked at any time in an area designated handicapped parking, legislative parking, or 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(s) 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 at the Capitol Complex 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(up to)	\$100.00
Legislative Parking Area	4 <u>25.00</u>
Reserved Parking Area	4 <u>25.00</u>
Parking in Travel Lane	4 <u>25.00</u>
Overtime Parking	3 <u>5.00</u>
No Parking Area	3 <u>25.00</u>
Improper Parking	3 <u>25.00</u>
<u>Lost Parking Tag</u>	<u>10.00</u>

<u>Lost Access Card</u>	<u>15.00</u>
<u>Other Violations(up to)</u>	<u>100.00</u>

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 double an additional fines not to exceed twenty-five dollars (\$25.00) each. ~~A summons may be issued for tickets not paid within fourteen (14) days. These fines may be remitted by payroll deduction to the Office of the Secretary.~~ A summons may be issued for tickets not paid with fourteen (14) days.

7.3. Jurisdiction. Magistrates in Kanawha County, West Virginia have jurisdiction of violations and offenses of this rule.

7.4. Exceptions. The Secretary may grant necessary exceptions to this Rule.



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

BOB WISE
GOVERNOR

GREGORY A. BURTON
CABINET SECRETARY

December 21, 2001

Via Hand-Delivery

The Honorable Joe Manchin, III
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305

FILED
2001 DEC 21 P 3:37
OFFICE WEST VIRGINIA
SECRETARY OF STATE

**Re: Parking, 148CSR6
Legislative Rules**

Dear Secretary Manchin,

On December 10th I received a notice from the Legislative Rule-Making Review Committee that modified rules were to be filed with your office by Wednesday, December 26, 2001. However, our office has not yet received written verification of the amendments suggested by the Joint Legislative Rule-Making Review Committee at their last interim meeting. I contacted their office to obtain the modifications in writing but they have not yet been prepared. I was advised by counsel for the committee that the deadline to file our modified rules would not be until after the first of the year. Therefore, I would like to inform you of the deadline extension and request that you also allow us to file the modified rules with your office after January 2, 2002.

Thank you very much for your assistance. If you have any questions, or need any additional information, please do not hesitate to give me a call.

Sincerely,

Donna M. Prunty
Executive Coordinator

DMP:dp

cc: Gregory A. Burton, Cabinet Secretary
David Tincher, Director of Purchasing
Debra Graham, Counsel for Legislative Rule-Making Review Committee