



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 1)**

AGENCY **Administration**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **148-06**  
RULE NAME **Parking**

CITE AUTHORITY **5A-10-3a(c)**

COMMENTS LIMITED TO  
**Written**

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
**Friday, July 21, 2017 5:00 PM**

WRITTEN COMMENTS MAY BE MAILED TO  
**Real Estate Division  
WV Dept. of Administration  
1124 Smith Street  
Suite B 100  
Charleston, WV 25301**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Jennelle H Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 148-06



Rule Id: 16517



Document: 49477



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 2)**

AGENCY	Administration				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	148-
RULE NAME	Parking				06

CITE AUTHORITY 5A-10-3a(c)

**PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL**

The purpose of the proposed rule change is to provide the Parking Section and state spending units with more flexibility in providing employee parking at the Capitol Campus. This is proposed in light of future anticipated increases in the number of employee vehicles on campus, especially from state agencies possibly relocating in the future to Buildings 4 and 6.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
Jennelle H Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY	Administration				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	148-
RULE NAME	Parking				06

CITE AUTHORITY 5A-10-3a(c)

**PRIMARY CONTACT**

Jon Amores  
1124 Smith Street  
Suite B 100  
Charleston, WV 25301

**SECONDARY CONTACT**

Jennelle Jones  
1900 Kanawha Blvd., East  
Building 1, Room 119-E  
Charleston, WV 25305

**Jennelle H Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 148-06



Rule Id: 16517



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY	Administration				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	148-06
RULE NAME	Parking				

CITE AUTHORITY 5A-10-3a(c)

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

**This rule is not expected to have any immediate impact on the costs to state government, as the proposed changes do not change any parking rates.**

**Jennelle H Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 148-06



Rule Id: 16517



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)**

AGENCY Administration  
RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 148-06  
RULE NAME Parking

CITE AUTHORITY 5A-10-3a(c)

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Jennelle H Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 148-06



Rule Id: 16517



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)**

AGENCY **Administration**

RULE TYPE **Legislative**

RULE NAME **Parking**

AMENDMENT TO EXISTING RULE

**Yes**

TITLE-SERIES

**148-**

**06**

CITE AUTHORITY **5A-10-3a(c)**

**3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.**

**This proposed change does not allow any change to parking rates.**

**Jennelle H Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 148-06



Rule Id: 16517



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)**

AGENCY **Administration**

RULE TYPE **Legislative**

AMENDMENT TO EXISTING RULE

**Yes**

TITLE-SERIES

**148-**

RULE NAME **Parking**

**06**

CITE AUTHORITY **5A-10-3a(c)**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

**None**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Jennelle H Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 148-06



Rule Id: 16517



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**FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)**

AGENCY	Administration				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	148-
RULE NAME	Parking				06

CITE AUTHORITY 5A-10-3a(c)

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

The purpose of the proposed rule change is to provide the Parking Section and state spending units with more flexibility in providing employee parking at the Capitol Campus. This is proposed in light of future anticipated increases in the number of employee vehicles on campus, especially from state agencies possibly relocating in the future to Buildings 4 and 6.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Jennelle H Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 148-06



Rule Id: 16517



Document: 49477



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

1.2. Authority. – W.Va. Code §5A-4-5.

1.3. Filing Date. – ~~June 9, 2009~~

1.4. Effective Date. – ~~July 1, 2009~~

1.5. Sunset provision. – This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

**§148-6-2. Parking Areas.**

2.1. General. Parking on 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:

2.1.a. The east side of Greenbrier Street between Kanawha Boulevard and Washington Street, East;

2.1.b. The west side of California Avenue between Kanawha Boulevard and Washington Street, East;

2.1.c. State-owned or leased grounds upon which state office buildings are located.

2.1.d. Any other property now or subsequently owned or leased by the State or any of its agencies and used for parking purposes in conjunction with the state capitol or any state office buildings.

2.2. The Secretary of Administration may also designate any area as a parking or no parking area, and designate the type and scheme of parking to be used, as he or she determines for the conduct of business at the capitol or any state office buildings in the City of Charleston on a daily basis or for special occasions, as they may arise, except as provided in ~~Sub Section 2.2.~~ Subsection 2.3 of this rule or joint policy of the Speaker of the House of Delegates and President of the Senate.

~~2.2~~ 2.3. Legislative Sessions. During session of the Legislature, including regular, extended, extraordinary, interim sessions, or any other times designated by the Speaker of the House of Delegates and/or the President of the Senate, parking in the following areas is designated for legislators and employees of the Legislature and subject to a joint policy of the Speaker of the House of Delegates and president of the Senate, and shall be managed and controlled by the Legislature:

2.3.a The east side of Greenbrier Street between Kanawha Boulevard and Washington Street, East;

2.3.b The ~~Science and Culture Center~~ parking lot;

2.3.c. The north side of Kanawha Boulevard between Greenbrier Street and California Avenue; and

2.3.d. The west side of California Avenue between Kanawha Boulevard and Washington Street, East, and except as otherwise reserved by the Department of Administration, the lot on the east side of California Avenue between Kanawha Boulevard and Quarrier Street, East;

2.3.e. Any other areas designated by a joint policy of the Speaker of the House of Delegates and the President of the Senate.

### **§148-6-3. Personnel.**

3.1. The Secretary, Speaker of the House of Delegates and/or the President of the Senate may employ such persons necessary to enforce this parking rule. The persons employed by the Secretary, Speaker of the House of Delegates and/or the President of the Senate may have authority to direct traffic and issue tickets in violation of this rule, as well as any other authority determined by the Secretary, or the Speaker of the House of Delegates and the President of the Senate.

### **§148-6-4. Metered Parking.**

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

### **§148-6-5. Parking.**

5.1. Parking may be provided, at the discretion of the Secretary, to state spending units. The spending unit shall ~~issue individual parking spaces~~ provide for parking in accordance with the parking allocation policies of the spending unit, subject to this rule. The fee to park shall be ~~twenty dollars (\$20)~~ \$20 per month. Payment by the employees shall be made through payroll deduction, unless otherwise authorized by the Secretary. The Secretary may charge a reasonable fee to replace a parking tag or access card issued to a public officer or employee.

5.2. For locations outside the Capitol Complex, the spending units shall ~~issue individual parking spaces~~ provide for parking in accordance with the parking allocation policies of the spending unit subject to this rule and the fee to park shall be the same as the fees for employees who park on the Capitol Complex Campus unless the facility consists of all free, public access parking (i.e., shopping centers or other facilities approved by the Secretary) or unless they have a contractual obligation in which case the Secretary of Administration may set a different fee.

#### **§148-6-6. Violations.**

6.1. General. The owner of any motor vehicle parking 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. For the purpose of this subdivision, a motor vehicle parked in violation of this rule shall include a motor vehicle owned by a person who owes more than ~~ten (10)~~ 10 unpaid violations and is parked on property described in subsection 2.1 of this rule. The Secretary may also authorize the revocation of a state issued parking space of a vehicle whose owner owes more than ~~ten (10)~~ 10 unpaid violations.

6.2. Metered Parking. The owner of a motor vehicle parked at metered parking with elapsed time during the hours of 8:00 a.m. through 5:00 p.m. Monday through Friday, except holidays, is subject to overtime parking fine(s) in accordance with Section 7 of this rule or other hours as the Secretary considers appropriate. In no event may a singular vehicle at a single parking meter be ticketed more than four times in one working day.

6.3. Designated Area Parking. The owner of a motor vehicle parked at any time in a area designated ~~handicapped~~ accessible parking, legislative parking, or reserved parking is subject to parking fine(s) in accordance with Section 7 of this rule.

6.4. Parking in Travel Lanes. The owner of a motor vehicle parking in a travel lane is subject to a parking in a travel lane fine in accordance with Section 7 of this rule.

6.5. Other violations. The owner of a motor vehicle parking 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:

7.1.a. <del>Handicapped</del> <u>Accessible</u> Area	\$100.00
7.1.b. Legislative Parking Area	10.00

7.1.c. Reserved Parking Area	10.00
7.1.d. Parking in a Travel Lane	10.00
7.1.e. Overtime Parking	5.00
7.1.f. No Parking Area	10.00
7.1.g. Improper Parking	10.00
7.1.h. Other Violations	10.00

7.2. Payment. Payment of fines is required within ~~ten~~ 10 days (~~10~~) 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 ~~ten~~ 10 days (~~10~~) are subject to double additional fines not to exceed ~~twenty dollars (\$20.00)~~ \$20 each. A summons may be issued for tickets not paid within ~~fourteen (14)~~ 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~~ rule. The Speaker of the House of Delegates and the President of the Senate may grant an exception to a joint policy established pursuant to the provisions of W.Va. Code §5A-4-5(b).