WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

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OFFICE WEST VIRGINIA SECRETARY OF STATE

Form #6

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 X 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 RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) Senate Bill 172

SECTION 64-2-3, PASSED ON April 11, 2009

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: July 1, 2009

Authorized Signature

FILED
2009 JUN -9 PM 3:00
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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 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

§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:

(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 are located.

(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.

The Secretary of Administration may also designate any area as a parking or no parking area, 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 of this rule or joint policy of the Speaker of the House of Delegates and President of the Senate.

2.2. Legislative Sessions. During sessions 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:

(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;

(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.

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.

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 or any state office buildings in the City of Charleston. The amount to be charged for parking at meters shall be .50 cents per hour.

§148-6-5. Parking.

Parking may be provided, at the discretion of the Secretary, to state spending units. The spending unit shall issue individual parking spaces in accordance with the parking allocation policies of the spending unit, subject to this rule. The fee to park shall be twenty dollars ($20.00) 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.

For locations outside the Capitol Complex, the spending units shall issue individual parking spaces 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 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. 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) 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) 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 an area designated handicapped 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 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 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	10.00
Reserved Parking Area	10.00
Parking in Travel Lane	10.00
Overtime Parking	5.00
No Parking Area	10.00
Improper Parking	10.00
Other Violations	10.00

7.2. Payment. Payment of fines is required within ten 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 days (10) are subject to double additional fines not to exceed twenty dollars ($20.00) each. 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.

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

JOE MANCHIN III
GOVERNOR

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

ROBERT W. FERGUSON, JR.
CABINET SECRETARY

June 8, 2009

Via Hand-Delivery

The Honorable Natalie Tennant
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305

Re: Legislative Rules

Dear Secretary Tennant,

I am enclosing the "Notice of Final Filing and Adoption of a Legislative Rule Authorized by the West Virginia Legislature" as well as the original rules for filing. The new rules reflect changes for parking, 148 CSR 6, resulting from the passage of Senate Bill 172. As requested, I am also enclosing a disc containing the rules.

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. Lipscomb
Executive Coordinator

Enclosures