

No: 1546

APPROVED AND SIGNED BY THE GOVERNOR

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Date 3-29-83

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1546

(By Mrs. Martin + Mr. Conley)

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Passed March 12, 1983

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1546

(By MRS. MARTIN and MR. CONLEY)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to repeal section thirteen-h, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article twenty-six of said chapter by adding thereto a new section, designated section twenty-six, relating to the acquisition and operation of college or university parking facilities or areas; removing the provisions from the article relating to the state board of education and placing them in the article relating to the board of regents; authorizing the board of regents to promulgate rules and regulations governing the speed flow and parking of vehicles on campus roads, driveways and parking facilities or areas; establishing civil penalties payable to a designated official of the college or university under certain circumstances for each violation of the rules and regulations; granting jurisdiction over violations to magistrates and municipal police court judges in certain instances; establishing criminal penalties for each finding of a violation by a magistrate or municipal police court judge; providing for the removal of vehicles from campus roads, driveways and parking facilities or areas under certain circumstances; providing that the college or university shall pay for the removal of a vehicle and have a right to reimbursement and storage costs from the owner thereof; and empowering the college or university to en-

force a lien against the owner of a vehicle for the costs of removing and storing the vehicle.

Be it enacted by the Legislature of West Virginia:

That section thirteen-h, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that article twenty-six of said chapter be amended by adding thereto a new section, designated section twenty-six, to read as follows:

ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.

§18-26-26. Acquisition, operation and regulation of parking areas and facilities at state institutions of higher education; regulation of parking, speed and flow of traffic on campus roads and driveways; civil and criminal penalties; disposition of revenue.

1 The West Virginia board of regents is hereby authorized
2 to construct, maintain and operate automobile parking fa-
3 cilities or areas upon any premises owned or leased at any
4 college or university under its jurisdiction for use by students,
5 faculty, staff and visitors. The board may charge fees for use
6 of the parking facilities or areas under its control. All moneys
7 collected for the use of the parking facilities or areas shall be
8 paid to the credit of the college or university at which the
9 fees were charged into a special fund which is hereby created
10 in the state treasury. The moneys in the fund shall be used
11 first to pay the cost of maintaining and operating the parking
12 facilities or areas, but any excess not needed for this purpose
13 may be used for the acquisition of property by lease or pur-
14 chase and the construction thereon of additional parking fa-
15 cilities or areas. Any money in the fund not needed immediately
16 for the acquisition, construction, maintenance or operation of
17 the parking facilities or areas may be temporarily invested by
18 the board of regents with the state board of investments to
19 the credit of the college or university at which the fees were
20 charged.

21 Notwithstanding any other motor vehicle or traffic law or
22 regulation to the contrary, the board of regents is hereby
23 authorized to regulate and control at any college or univer-

24 sity under its jurisdiction the speed, flow and parking of ve-
25 hicles on campus roads, driveways and parking facilities or
26 areas. Rules and regulations for this purpose shall be promul-
27 gated by the board in the manner prescribed in chapter twenty-
28 nine-a of this code and when so promulgated shall have the
29 force and effect of law. In each parking facility or area a
30 summary of the rules and regulations governing the use of
31 the facility or area and of the penalties which may be imposed
32 for violations of the rules and regulations shall be conspic-
33 uously posted. Along each campus road and driveway, notice
34 signs pertaining to the speed of vehicles, spaces available for
35 parking, directional flow of traffic and penalties which may
36 be imposed for violations of the rules and regulations shall be
37 conspicuously posted.

38 Any person parking any vehicle or operating any vehicle
39 in violation of the rules and regulations shall be issued a
40 citation describing the offense charged and ordering an ap-
41 pearance within five days, excluding Saturdays, Sundays and
42 holidays observed by the college or university, before a desig-
43 nated official of the college or university and, if the person
44 cited fails to appear within said five days, ordering an appear-
45 ance before a magistrate located in the county in which the
46 college or university is located or before the judge of the
47 municipal court, if the college or university is located within
48 a municipality having such an official.

49 The designated official of the college or university shall have
50 exclusive jurisdiction of the offense during the five-day per-
51 iod, and any person so cited may plead no contest to the of-
52 fense and, by so pleading, shall be subject to a civil penalty of
53 ten dollars for each offense as partial reimbursement to the
54 college or university for the cost of regulating traffic and park-
55 ing. Moneys derived from civil penalties imposed herein shall
56 be deposited in the special fund in the state treasury created
57 by this section and credited to the college or university at
58 which the penalty was paid.

59 Upon the expiration of the five days, or upon a pleading of
60 not guilty before the designated official of the college or uni-
61 versity within the five days, the magistrate or judge of the

62 municipal court shall have jurisdiction of the offense and any
63 person cited under the provisions of this section, upon a find-
64 ing of guilty by the magistrate or municipal judge shall be
65 subject to a fine of not less than ten dollars nor more than
66 twenty dollars for each offense.

67 Each designated official of the college or university pre-
68 siding over a case under the provisions of this section shall
69 keep or cause to be kept a record of every citation which al-
70 leges a violation of such provisions, or the rules and regula-
71 tions promulgated in accordance therewith, and shall keep a
72 record of every official action in reference thereto including,
73 but not limited to, a record of every plea of no contest, con-
74 viction or acquittal of the offense charged and the amount of
75 the fine or of the civil penalty resulting from each citation.

76 Whenever a vehicle is parked on any college or university
77 campus road, driveway or parking facility or area in a manner
78 which violates posted regulations and substantially impedes the
79 flow of traffic or endangers the health and safety, the institu-
80 tion may, in addition to the issuing of a citation and subse-
81 quent procedures set forth herein, remove the vehicle, by tow-
82 ing or otherwise, to an area or areas designated for this pur-
83 pose. The vehicle, having been towed to the designated area
84 or areas, may be rendered immovable by use of locking wheel
85 blocks or other device not damaging to the vehicle. The col-
86 lege or university shall not be liable for any damage to a
87 vehicle towed to, or kept in, a designated area pursuant to
88 the provisions of this section. The college or university shall
89 pay for the cost of removing the vehicle and shall have a right
90 to reimbursement from the owner for this cost and for the
91 reasonable cost of keeping the vehicle in the designated area.
92 Until payment of these costs, the college or university may
93 retain possession of the vehicle, and the college or university
94 shall have a lien on the vehicle for the amount due. The col-
95 lege or university may enforce this lien in the manner provided
96 in section fourteen, article eleven, chapter thirty-eight of this
97 code for the enforcement of other liens.


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

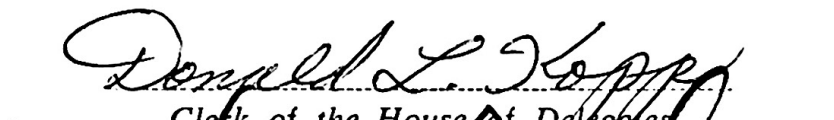


Chairman Senate Committee

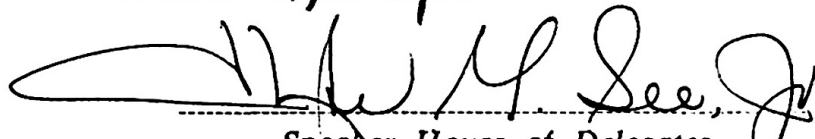

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates

President of the Senate


Speaker House of Delegates

The within is approved this the 29
day of March, 1983.


Governor

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