

No: 1213

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**WEST VIRGINIA LEGISLATURE**  
REGULAR SESSION, 1984



**ENROLLED**

Com. Sub. for  
HOUSE BILL No. 1213

(By ~~Mr.~~ Delegate Hartman )



Passed February 29, 1984

In Effect Ninety Days From Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**H. B. 1213**  
**(By DELEGATE HARTMAN)**

[Passed February 29, 1984; in effect ninety days from passage.]

AN ACT to repeal section twenty-two, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section twenty-five, article eleven of said chapter; and to amend and reenact section twenty-six, article twenty-six of said chapter, all relating to parking facilities or areas at state colleges and universities; issuing revenue bonds for construction and acquisition of same; establishing civil and criminal penalties for offenses; and authorizing removal of unauthorized vehicles.

*Be it enacted by the Legislature of West Virginia:*

That section twenty-two, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section twenty-five, article eleven of said chapter be amended and reenacted; and that section twenty-six, article twenty-six of said chapter be amended and reenacted, all to read as follows:

**ARTICLE 11. WEST VIRGINIA UNIVERSITY.**

**§18-11-25. Financing of parking facilities or areas.**

1 In addition to the provisions of section twenty-six, article  
2 twenty-six, chapter eighteen of this code, the board of  
3 regents may from time to time issue revenue bonds of the  
4 state as provided in this section to finance the construction  
5 of additional parking facilities or the acquisition by lease

6 or purchase of additional parking areas and pledge all or  
7 any part of the moneys in such special funds for the pay-  
8 ment of the principal of and interest on such revenue bonds,  
9 and for reserves therefor. Whenever parking facilities are  
10 provided in any university building financed in whole or  
11 in part by the issue of revenue bonds otherwise authorized  
12 by law, the net revenue derived from the parking facilities  
13 included in such building may be used or pledged to meet the  
14 sinking fund requirements of the bonds issued for con-  
15 struction of the buildings. The pledge of moneys in such  
16 special fund for any revenue bonds shall be a prior and  
17 superior charge on such special fund over the use of any of  
18 the moneys in such fund to pay for the cost of any of such  
19 purposes on a cash basis.

20 Such revenue bonds may be authorized and issued from  
21 time to time by the board of regents to finance in whole or  
22 in part the purposes provided in this section in an ag-  
23 gregate principal amount not exceeding the amount which  
24 the board shall determine can be paid as to both principal  
25 and interest and reasonable margins for a reserve therefor  
26 from the moneys in such special fund.

27 The issuance of such bonds shall be authorized by a  
28 resolution adopted by the board, and such revenue bonds  
29 shall bear such date or dates; mature at such times not  
30 exceeding forty years from their respective dates; bear in-  
31 terest at such rate or rates, not exceeding twelve per centum  
32 per annum; be in such form either coupon or registered,  
33 with such exchangeability and interchangeability privileges;  
34 be payable in such medium of payment and at such place  
35 or places, within or without the state; be subject to such  
36 terms of prior redemption at such prices not exceeding  
37 one hundred six per centum of the principal amount thereof;  
38 and shall have such other terms and provisions as the board  
39 shall determine. Such revenue bonds shall be signed by the  
40 governor and by the president of the board of regents, under  
41 the great seal of the state, attested by the secretary of state,  
42 and the coupons, if any, attached thereto shall bear the  
43 facsimile signature of the president of the board. Such revenue  
44 bonds shall be sold in such manner as the board may deter-

45 mine to be for the best interests of the state, such sale  
46 to be made at a price not lower than a price which will  
47 show a net return of not more than thirteen per centum per  
48 annum to the purchaser upon the amount paid therefor  
49 computed to the stated maturity dates of such revenue bonds  
50 without regard to any right of prior redemption.

51 The board may enter into trust agreements with banks or  
52 trust companies, within or without the state, and in such  
53 trust agreements or the resolutions authorizing the issuance  
54 of such bonds, may enter into valid and legally binding  
55 covenants with the holders of such revenue bonds as to the  
56 custody, safeguarding and disposition of the proceeds of  
57 such revenue bonds, the moneys in such special fund, sinking  
58 funds, reserve funds, or any other moneys or funds; as to  
59 the rank and priority, if any, of different issues of revenue  
60 bonds under the provisions of this section; and as to any  
61 other matters or provisions which are deemed necessary  
62 and advisable by the board in the best interests of the  
63 state and to enhance the marketability of such revenue  
64 bonds.

65 Such revenue bonds shall be and constitute negotiable in-  
66 struments under the law merchant and the negotiable in-  
67 struments law of the state; shall, together with the in-  
68 terest thereon, be exempt from all taxation by the state of  
69 West Virginia, or by any county, school district, municipality  
70 or political subdivision thereof; and such revenue bonds  
71 shall not be deemed to be obligations or debts of the state,  
72 and the credit or taxing power of the state shall not be  
73 pledged therefor, but such revenue bonds shall be payable  
74 only from the revenue pledged therefor as provided in this  
75 section.

**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 faci-  
3 ties 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  
6 use of the parking facilities or areas under its control. All  
7 moneys collected for the use of the parking facilities or  
8 areas shall be paid to the credit of the college or university  
9 at which the fees were charged into a special fund which  
10 is hereby created in the state treasury. The moneys in  
11 the fund shall be used first to pay the cost of maintaining  
12 and operating the parking facilities or areas, but any ex-  
13 cess not needed for this purpose may be used for the  
14 acquisition of property by lease or purchase and the con-  
15 struction thereon of additional parking facilities or areas.  
16 Any money in the fund not needed immediately for the  
17 acquisition, construction, maintenance or operation of the  
18 parking facilities or areas may be temporarily invested by  
19 the board of regents with the state board of investments to  
20 the credit of the college or university at which the fees were  
21 charged.

22 Notwithstanding any other motor vehicle or traffic law  
23 or regulation to the contrary, the board of regents is hereby  
24 authorized to regulate and control at any college or uni-  
25 versity under its jurisdiction the speed, flow and parking of  
26 vehicles on campus roads, driveways and parking facilities  
27 or areas. Rules and regulations for this purpose shall be  
28 promulgated by the board in the manner prescribed in chap-  
29 ter twenty-nine-a of this code and when so promulgated  
30 shall have the force and effect of law. In each parking  
31 facility or area a summary of the rules and regulations  
32 governing the use of the facility or area, including, but not  
33 limited to, the availability of temporary parking permits  
34 and where same may be obtained, and of the penalties  
35 which may be imposed for violations of the rules and regula-  
36 tions shall be conspicuously posted. Along each campus road  
37 and driveway, notice signs pertaining to the speed of vehicles,  
38 spaces available for parking, directional flow of traffic and  
39 penalties which may be imposed for violations of the rules  
40 and regulations shall be conspicuously posted.

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

52 The designated official of the college or university shall  
53 have exclusive jurisdiction of the offense during the ten-  
54 day period. Any person so cited may plead no contest to  
55 the offense and, by so pleading, shall be subject to a civil  
56 penalty to be determined uniformly by the designated of-  
57 ficial and commensurate with the severity of the offense in  
58 an amount not more than ten dollars for each offense as partial  
59 reimbursement to the college or university for the cost of  
60 regulating traffic and parking. Moneys derived from civil  
61 penalties imposed herein shall be deposited in the special  
62 fund in the state treasury created by this section and credited  
63 to the college or university at which the penalty was paid.

64 Upon the expiration of the ten days, or upon a pleading  
65 of not guilty before the designated official of the college  
66 or university within the ten days, the magistrate or judge  
67 of the municipal court shall have jurisdiction of the of-  
68 fense and any person cited under the provisions of this  
69 section, upon a finding of guilty by the magistrate or muni-  
70 cipal judge, shall be subject to a fine of not less than ten  
71 dollars nor more than twenty dollars for each offense, the  
72 amount to be commensurate with the severity of the offense.

73 Each designated official of the college or university pre-  
74 siding over a case under the provisions of this section shall  
75 keep or cause to be kept a record of every citation which  
76 alleges a violation of such provisions, or the rules and  
77 regulations promulgated in accordance therewith, and shall  
78 keep a record of every official action in reference thereto

79 including, but not limited to, a record of every plea of  
80 no contest, conviction or acquittal of the offense charged  
81 and the amount of the fine or of the civil penalty resulting  
82 from each citation.

83 Whenever a vehicle is parked on any college or univer-  
84 sity campus road, driveway or parking facility or area in  
85 a manner which violates posted regulations and substantially  
86 impedes the flow of traffic or endangers the health and  
87 safety, the institution may, in addition to the issuing of a  
88 citation and subsequent procedures set forth herein, re-  
89 move the vehicle, by towing or otherwise, to an area owned by  
90 the college or university or areas designated for this purpose.  
91 The vehicle, having been towed to the designated area or areas,  
92 may be rendered immovable by use of locking wheel blocks or  
93 other device not damaging to the vehicle. The college or uni-  
94 versity shall maintain any vehicle so towed in the same con-  
95 dition as it was immediately prior to being towed, but not be  
96 liable for any damage to a vehicle towed to, or kept in,  
97 a designated area pursuant to the provisions of this section.  
98 The college or university shall pay for the cost of removing  
99 the vehicle and shall have a right to reimbursement from  
100 the owner for this cost and for the reasonable cost of keeping  
101 the vehicle in the designated area. Until payment of these  
102 costs, the college or university may retain possession of the  
103 vehicle, and the college or university shall have a lien on the  
104 vehicle for the amount due. The college or university may en-  
105 force this lien in the manner provided in section fourteen,  
106 article eleven, chapter thirty-eight of this code for the en-  
107 forcement of other liens.

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

*James L. Davis*  
Chairman Senate Committee

*James W. Quells*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Joseph C. Nichols*  
Clerk of the Senate

*Donald L. Glogg*  
Clerk of the House of Delegates

*Warren R. McBrat*  
President of the Senate

*W. M. Lee, Jr.*  
Speaker House of Delegates

The within *is approved* this the *7* day of *March*, 1984.

*[Signature]*  
Governor

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