WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED

Com. Sub. for

HOUSE BILL No. 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article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section twenty-five, article eleven of said chapter be amended and reenacted; and that section twenty-six, article twenty-six of said chapter be amended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 twenty-six, chapter eighteen of this code, the board of regents may from time to time issue revenue bonds of the state as provided in this section to finance the construction of additional parking facilities or the acquisition by lease
or purchase of additional parking areas and pledge all or any part of the moneys in such special funds for the payment of the principal of and interest on such revenue bonds, and for reserves therefor. Whenever parking facilities are provided in any university building financed in whole or in part by the issue of revenue bonds otherwise authorized by law, the net revenue derived from the parking facilities included in such building may be used or pledged to meet the sinking fund requirements of the bonds issued for construction of the buildings. The pledge of moneys in such special fund for any revenue bonds shall be a prior and superior charge on such special fund over the use of any of the moneys in such fund to pay for the cost of any of such purposes on a cash basis.

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

The issuance of such bonds shall be authorized by a resolution adopted by the board, and such revenue bonds shall bear such date or dates; mature at such times not exceeding forty years from their respective dates; bear interest at such rate or rates, not exceeding twelve per centum per annum; be in such form either coupon or registered, with such exchangeability and interchangeability privileges; be payable in such medium of payment and at such place or places, within or without the state; be subject to such terms of prior redemption at such prices not exceeding one hundred six per centum of the principal amount thereof; and shall have such other terms and provisions as the board shall determine. Such revenue bonds shall be signed by the governor and by the president of the board of regents, under the great seal of the state, attested by the secretary of state, and the coupons, if any, attached thereto shall bear the facsimile signature of the president of the board. Such revenue bonds shall be sold in such manner as the board may deter-
mine to be for the best interests of the state, such sale
to be made at a price not lower than a price which will
show a net return of not more than thirteen per centum per
annum to the purchaser upon the amount paid therefor
computed to the stated maturity dates of such revenue bonds
without regard to any right of prior redemption.

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

Such revenue bonds shall be and constitute negotiable in-
struments under the law merchant and the negotiable in-
struments law of the state; shall, together with the in-
terest thereon, be exempt from all taxation by the state of
West Virginia, or by any county, school district, municipality
or political subdivision thereof; and such revenue bonds
shall not be deemed to be obligations or debts of the state,
and the credit or taxing power of the state shall not be
pledged therefor, but such revenue bonds shall be payable
only from the revenue pledged therefor as provided in this
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 educa-
tion; regulation of parking, speed and flow of traffic
on campus roads and driveways; civil and criminal
penalties; disposition of revenue.

The West Virginia board of regents is hereby authorized
to construct, maintain and operate automobile parking facilities or areas upon any premises owned or leased at any college or university under its jurisdiction for use by students, faculty, staff and visitors. The board may charge fees for use of the parking facilities or areas under its control. All moneys collected for the use of the parking facilities or areas shall be paid to the credit of the college or university at which the fees were charged into a special fund which is hereby created in the state treasury. The moneys in the fund shall be used first to pay the cost of maintaining and operating the parking facilities or areas, but any excess not needed for this purpose may be used for the acquisition of property by lease or purchase and the construction thereon of additional parking facilities or areas. Any money in the fund not needed immediately for the acquisition, construction, maintenance or operation of the parking facilities or areas may be temporarily invested by the board of regents with the state board of investments to the credit of the college or university at which the fees were charged.

Notwithstanding any other motor vehicle or traffic law or regulation to the contrary, the board of regents is hereby authorized to regulate and control at any college or university under its jurisdiction the speed, flow and parking of vehicles on campus roads, driveways and parking facilities or areas. Rules and regulations for this purpose shall be promulgated by the board in the manner prescribed in chapter twenty-nine-a of this code and when so promulgated shall have the force and effect of law. In each parking facility or area a summary of the rules and regulations governing the use of the facility or area, including, but not limited to, the availability of temporary parking permits and where same may be obtained, and of the penalties which may be imposed for violations of the rules and regulations shall be conspicuously posted. Along each campus road and driveway, notice signs pertaining to the speed of vehicles, spaces available for parking, directional flow of traffic and penalties which may be imposed for violations of the rules and regulations shall be conspicuously posted.
Any person parking any vehicle or operating any vehicle in violation of the rules and regulations shall be issued a citation describing the offense charged and ordering an appearance within ten days, excluding Saturdays, Sundays and holidays observed by the college or university, before a designated official of the college or university and, if the person cited fails to appear within said ten days, ordering an appearance before a magistrate located in the county in which the college or university is located or before the judge of the municipal court, if the college or university is located within a municipality having such an official.

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

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

Each designated official of the college or university presiding over a case under the provisions of this section shall keep or cause to be kept a record of every citation which alleges a violation of such provisions, or the rules and regulations promulgated in accordance therewith, and shall keep a record of every official action in reference thereto.
including, but not limited to, a record of every plea of
no contest, conviction or acquittal of the offense charged
and the amount of the fine or of the civil penalty resulting
from each citation.

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

[Signature]

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

W. M. See, Jr.  
President of the Senate

[Signature]

Speaker House of Delegates

The within __________ is approved this the __________ day of __________, 1984.

[Signature]

Governor