



RULE-MAKING ORDER

R-103 (June 2004)
(Implements RCW 34.05.360)

Agency: **Bellingham Technical College**

Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: To update the wording to accurately reflect job titles; locations and publications of the college; to accommodate special parking practices for carpool-permitted vehicles; and to clarify the time when a parking permit is initially required.

Citation of existing rules affected by this order:

Repealed:
Amended:
Suspended:

Statutory authority for adoption: RCW 28B.50.130

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-24-040 on November 24, 2004 (date).
Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: February 17, 2005

NAME (TYPE OR PRINT)

Gerald Pumphrey

SIGNATURE

TITLE

President

CODE REVISER USE ONLY

Stamp area containing: "FEB 18 2005", "3:59", "05-06-011", and a circled "PM".

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>X</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>X</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>X</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-030 Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Bellingham Technical College.

(2) "Campus" means all lands and buildings devoted to, operated by, or maintained by Bellingham Technical College.

~~(3) ("Campus security officer" means an employee of the college who is responsible to the chief business officer.~~

~~(4)) "College" means Bellingham Technical College.~~

~~((5) "Safety and security supervisor" means the college's safety and security supervisor.~~

~~(6)) (4) "Chief business officer" means the vice-president of administrative services of Bellingham Technical College.~~

(5) "Employee" means an individual appointed to the faculty, staff, or administration of the college.

~~((7)) (6) "Guests or visitors" mean persons who come upon the campus as guests or persons who lawfully visit the campus.~~

~~((8)) (7) "Continuing permits" mean permits issued to full-time employees for an indefinite period of time.~~

~~((9)) (8) "Annual permits" mean permits that are valid from the date of issue until the first day of the following fall quarter.~~

~~((10)) (9) "Temporary permits" mean permits that are valid for a specific period designated on the permit.~~

~~((11)) (10) "Vehicle" means an automobile, truck, motor-driven cycle, scooter, or any vehicle otherwise powered.~~

~~((12)) (11) "Full-time student" means a person who is enrolled on campus for six hours per day or more at the college.~~

~~((13)) (12) "Part-time student" means a person who is enrolled on campus for less than six hours per day at the college.~~

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-040 Authorization for issuance of permits. (1) ~~((The safety and security supervisor or a designee may issue))~~ Parking permits may be issued to students, employees, and guests upon the following conditions:

- (a) When the vehicle is properly registered with the college;
- (b) When a permanent or special parking permit is necessary to

enhance the business or operation of the college.

(2) (~~Additional permits are available at the current fee schedule to individuals who may be registered to drive any one of several vehicles.~~) Only one vehicle registered to an individual under ~~((one))~~ permit ~~((fee))~~ is permitted to park on campus at any one time.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-050 Vehicle parking permits. (1) All part-time and full-time employees ~~((and students))~~ of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended upon the college campus for ~~((either))~~ day ~~((or night))~~ classes, in accordance with WAC 495B-116-040.

(2) With the exception of visitor, as defined in WAC 495B-116-060, all persons parking on the campus shall secure and display a currently valid parking permit ~~((within five days from their date of registration or from their first day of employment))~~.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-060 Visitor permits. All guests or visitors (including salespersons and maintenance or service personnel) will park in appropriate parking areas after ~~((obtaining a temporary permit from))~~ signing in at the college information desk or designated location.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-080 Display of permits. The parking permit issued by the college must be ~~((visibly affixed on the rear window of))~~ visible within the vehicle for which the permit is issued ~~((7 on the lower left-hand corner of the window as viewed from the rear of the vehicle. If the vehicle is a convertible or has no rear window the permit must be affixed to the driver side rear bumper or driver side windshield lower corner))~~. Motorcycle permits must be

affixed in a conspicuous place.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-090 Transfer of permits. Parking permits are ~~((not transferable))~~ assigned to specifically registered vehicles. If a vehicle is sold or traded, the new vehicle must be registered with the ~~((parking supervisor and the permit will be reissued))~~ college at no additional cost to the permit holder.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-120 Appeal of permit revocation or refusal. When a parking permit has been revoked under WAC 495B-116-100 or has been refused in accordance with WAC 495B-116-110 or when a fine or penalty has been levied against a violator of this chapter, that action by the ~~((dean of administration))~~ chief business office or a designee may be appealed in accordance with WAC 495B-116-180.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-150 Violation of parking and traffic rules. (1) Operators of illegally operated or parked vehicles shall be warned or cited through an appropriate means that they are in violation of this chapter. All fines are payable at the cashier's office.

(2) ~~((In instances where violations are repeated, and))~~ A vehicle may be impounded if, in the judgment of the ((safety and security supervisor, with appropriate documented evidence, the vehicle may be impounded)) chief business officer or college designee, such impoundment is warranted due to the fact that violations have been repeated as evidenced by appropriate documentation.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-160 Issuance of traffic tickets or summons. (1) The ((~~safety and security supervisor or a~~)) college designee or chief business officer may issue a warning or citation for a violation of these regulations. The warning or citation must set forth the date, the approximate time, permit number, license information, and the nature of violation.

(2) The warning or citation may be served by attaching or affixing a copy in some prominent place outside the vehicle or by personally serving the operator.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-170 Fines and penalties. The ((~~safety and security supervisor or a~~)) college designee or chief business officer may impose the following fines and penalties for violation of this chapter:

(1) The college shall establish a schedule of fines. The college shall publish the schedule in the college's ((~~motor vehicle code~~)) Policy and Procedures manual and on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedule for the following violations:

- (a) No valid permit displayed;
- (b) Visitor parking violations;
- (c) Occupying more than one parking space;
- (d) Occupying a space or area not designated for parking;
- (e) Handicapped parking violation;
- (f) Parking in an area not authorized by a permit;
- (g) Parking in reserved staff space without authorization;
- (h) Blocking or obstructing traffic (may be towed if creating a safety hazard);
- (i) Parking adjacent to a fire hydrant (may be towed if creating a safety hazard);
- (j) Parking in a fire lane (may be towed if creating a safety hazard);
- (k) Parking in a zone or area marked no parking;
- (l) Other violations of college parking traffic rules.

(3) At the discretion of the chief business officer or a designee, an accumulation of citations by a staff, administrator, or faculty member may be turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) If a ((~~student~~)) person fails or refuses to pay an uncontested fine that has been outstanding in excess of five days,

the chief business officer or a designee may initiate the following actions:

(a) The person, if a student may not be able to obtain a transcript of credits until all fines are paid;

(b) The person, if a student may not receive a degree or certificate until all fines are paid;

(c) The ~~((student))~~ person will not be able to register as a student for subsequent quarters until all fines are paid(~~(7~~

~~(d) The student may be denied any further parking permits until all fines are paid))~~).

(5) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine and may be impounded if so designated by the chief business officer or college designee and taken to a place for storage selected by the ~~((safety and security supervisor or a))~~ college designee. The expenses of the impounding and storage are the responsibility of the registered owner or driver of the vehicle.

(6) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(7) The college is not liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(8) Persons may appeal the issuance of a citation according to WAC 495B-116-180.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

WAC 495B-116-210 Designation of parking. The parking spaces available on campus may be allocated and designated by the chief business officer or ~~((a))~~ college designee in such a manner as will best achieve the objectives of this chapter.

(1) Special provisions shall be made for physically disabled employees, visitors, students, or their designees. Physically disabled individuals using handicapped parking spaces must display in that vehicle a valid state-issued disabled parking permit or license plate. ~~((The safety and security supervisor shall issue permits for temporarily handicapped persons. In addition to the disabled permit, valid college parking permits must be purchased and displayed on the vehicle.))~~

(2) Spaces specifically designated as "visitor" are to be used only by visitors driving vehicles without continuing or annual permits(~~(, for a maximum time period of thirty minutes. A temporary permit is not required. Visitors requiring parking for longer than thirty minutes may obtain a temporary permit at the college information desk, and will park in normal undesignated))~~). Visitors are to sign at the information desk or other designated

location and are park in visitor parking spaces.

(3) The chief business officer or ((a)) college designee may designate parking spaces for special purposes as deemed necessary.

(4) Spaces specifically designated as carpool are to be used by those individuals having obtained a valid carpool permit.