

# VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

## CHAPTER 370

*An Act to amend and reenact §§ 10.1-104 and 10.1-202 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-200.2, relating to admittance and parking in state parks; civil penalties.*

[H 2149]

Approved March 19, 2001

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 10.1-104 and 10.1-202 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-200.2 as follows:**

§ 10.1-104. Powers of the Department.

A. The Department shall have the following powers, which may be delegated by the Director:

1. To employ such personnel as may be required to carry out those duties conferred by law;
2. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, including but not limited to contracts with private nonprofit organizations, the United States, other state agencies and political subdivisions of the Commonwealth;
3. To accept bequests and gifts of real and personal property as well as endowments, funds, and grants from the United States government, its agencies and instrumentalities, and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;

4. To prescribe rules and regulations necessary or incidental to the performance of duties or execution of powers conferred by law; ~~and~~

5. To perform acts necessary or convenient to carry out the duties conferred by law; *and*

6. *To assess civil penalties for violations of § 10.1-200.2.*

B. Pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.), the Department may promulgate regulations necessary to carry out the purposes and provisions of this subtitle. A violation of any regulation shall constitute a Class 1 misdemeanor, unless a different penalty is prescribed by the Code of Virginia.

§ 10.1-200.2. *Admittance and parking in state parks; prohibitions.*

A. *No person shall make use of, gain admittance to, or attempt to use or gain admittance to the facilities in any state park for the use of which a charge is assessed by the Department, unless the person pays the charge or price established by the Department.*

B. *No owner or driver shall cause or permit a vehicle to stand:*

1. *Anywhere in a state park outside of designated parking spaces, except for a reasonable time in order to receive or discharge passengers; or*

2. *In any space in a state park designated for use by the handicapped unless the vehicle displays a license plate or decal issued by the Commissioner of the Department of Motor Vehicles, or a similar identification issued by a similar authority of another state or the District of Columbia, which authorizes parking in a handicap space.*

C. *Any person violating any provision of this section may, in lieu of any criminal penalty, be assessed a civil penalty of twenty-five dollars by the Department. Civil penalties assessed under this section shall be paid into the Conservation Resources Fund.*

§ 10.1-202. Gifts and funds for state parks to constitute Conservation Resources Fund.

Gifts of money, entrance fees, fees from contractor-operated concessions, *civil penalties assessed under § 10.1-200.2*, and all funds accruing from, on account of, or to the use of state parks acquired or held by the Department shall constitute the Conservation Resources Fund. The Fund shall be under the direction and control of the Director and may be expended for the conservation, development, maintenance, and operations of state parks acquired or held by the Department. However, expenditures from the Fund for operation of state parks shall not exceed, in any fiscal year, an amount equal to twenty-five percent of the revenues deposited into the Fund from fees and charges paid by visitors to state parks. The remainder of the revenues deposited into the Fund from fees and charges paid by visitors to state parks shall be expended for the conservation and development of state parks. Revenues generated from state park concessions operated by the Department shall be deposited into a separate special fund for use in operating such concessions. Unexpended portions of the Fund shall not revert to the state treasury at the close of any fiscal year unless specified by an act of the General Assembly. The Fund shall not include any gifts of money to the Virginia Land Conservation Foundation or other funds deposited in the Virginia Land Conservation Fund.

The proceeds from the sales of surplus property shall be used exclusively for the acquisition and development of state parks.