



“All laws enacted at a regular session, . . .
excluding a general appropriation law,
shall take effect on the first day of July
following the adjournment of the session of the
General Assembly at which it has been enacted.”
Constitution of Virginia, Article IV, Section 13

In Due Course: 2018 Changes to Virginia’s Laws

In Due Course is a selection of legislation passed by the 2018 Session of the General Assembly that is likely to affect the daily lives of the citizens of Virginia. The following legislation has been signed by the Governor and for the most part will go into effect on July 1, 2018.

The summaries were prepared by the staff of the Division of Legislative Services. Complete information on actions of the 2018 Session is available on the Legislative Information System (<http://lis.virginia.gov>).

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Absentee Voting

HB 397. Absentee voting; certain information not required when completing application in person. The law provides that a person completing an application for an absentee ballot in person is not required to provide the last four digits of his social security number on the application.

Alcoholic Beverage Control

HB 422/SB 306. Alcoholic beverage control; sales by brewery on licensed premises. The law requires that, effective January 1, 2019, when a brewery licensee sells at retail the brands of beer that the



brewery owns, at least 20 percent of the volume of beer sold for on-premises consumption in any calendar year must be manufactured on the licensed premises.

HB 852/SB 120. Alcoholic beverage control; substance abuse prevention; Virginia Institutions of Higher Education Substance Use Advisory Committee established. The law directs the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) to establish and appoint members to the Virginia Institutions of Higher Education Substance Use Advisory Committee (Advisory Committee). The goal of the Advisory Committee is to develop and update a statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private institutions of higher education. The Advisory Committee will consist of representatives from Virginia's public and private institutions of higher education, including students and directors of student health, and other members as the Board may deem appropriate.

HB 1602/SB 61. Alcoholic beverage control; confectionery license. The law creates a confectionery license, which authorizes the licensee to prepare and sell for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

Animal Research

HB 1087. Animal research; alternative test methods, civil penalty. The law requires a manufacturer or contract testing facility to use an alternative to animal testing when available. The requirement does not apply to a facility using an animal test method for the purpose of medical research, drug research, or research involving certain other products. The law authorizes the Attorney General to bring a civil action for enforcement. Any person who violates the law may be subject to a civil penalty of not more than \$5,000 and any court costs and attorney fees.

Boating

HB 751/SB 984. Motorboats; means of propulsion, wakesurfing. The law allows a motorboat that is propelled by a means that is below the water line and forward of either the transom or an integrated swim platform to be accompanied by a person in the water. Current law allows a motorboat to be accompanied by such a wakesurfer only if the motorboat is propelled by an inboard motor.

Business Entities

HB 1205. Nonstock corporations; members' meetings. The law authorizes the board of directors of a nonstock corporation to determine that any meeting of members not be held at any place and instead be held by means of remote communication, if the articles of incorporation or bylaws do not require the meeting to be held at a place.

SB 387. Annual reports of corporations. The law eliminates the requirement that a corporation authorized to issue one or more classes of shares list the number of shares of each class on its corporate annual report.

Civil Law

HB 1361/SB 981. Calculation of child support obligation; multiple custody arrangements. The law establishes methods by which child support obligations can be calculated when multiple custody arrangements exist between parents of children subject to child support orders.

SB 540. Modification of spousal support; retirement age. The law provides that for the purposes of petitioning the court for a modification of spousal support, the payor spouse's reaching full retirement age pursuant to the federal Social Security Act must be considered a material change in circumstances. The law provides a list of factors that must be considered by the court in considering modification based on the payor spouse's reaching full retirement age. A request for modification based on the payor spouse's retirement age is available to any person subject to a spousal support order regardless of the date of the suit for initial setting of support or the date of entry of any such order or decree.

Constitutional Amendments on the November 2018 Ballot

HJ 6/SJ 76. Constitutional amendment; real property tax; exemption for surviving spouse of a disabled veteran. The amendment, if approved by the voters, will provide that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the surviving spouse's moving to a different principal place of residence.

SJ 21. Constitutional amendment; property tax; exemption for flooding remediation, abatement, and resiliency efforts. The amendment, if approved by the voters, will provide that the General Assembly may authorize a county, city, or town to partially exempt any real estate subject to recurring flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.

Criminal Offenses

HB 638/SB 526. Trespass; unmanned aircraft system; report; penalty. The law provides that any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of another and come within 50 feet of a dwelling house (i) to coerce, intimidate, or harass another person or (ii) after having been given notice to desist, for any other reason, is guilty of a Class 1 misdemeanor. The law also provides that any person who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally (a) follow or contact another person without such person's permission or (b) capture images of another person without such person's permission when such images render the person recognizable is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of any individual named in the protective order is guilty of a Class 1 misdemeanor. The law also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems, clarifies the scope of such prohibition, and clarifies that such prohibition extends to all political subdivisions and not only to localities.

HB 1550/SB 105. Grand larceny; threshold. The law increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The law increases the threshold by the same amount for the classification of certain property crimes.

SB 47. Female genital mutilation; criminal penalty. The law increases from a Class 1 misdemeanor to a Class 2 felony the penalty for any person to knowingly circumcise, excise, or infibulate the labia majora, labia minora, or clitoris of a minor; for any parent or guardian charged with the care of a minor to consent to such circumcision, excision, or infibulation; or for any parent or guardian charged with the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation.



Criminal Procedure

HB 188/SB 35. Sentence reduction; substantial assistance to prosecution. The law allows a convicted person's sentence to be reduced if such person provides substantial assistance, defined in the law, in the furtherance of the investigation or prosecution of another person engaged in an act of violence or for offenses involving the manufacture or distribution of controlled substances or marijuana. Sentence reduction can occur only upon motion of the attorney for the Commonwealth.

HB 484/SB 994. Restitution; probation. The law establishes procedures to be used by courts to monitor the payment of restitution by defendants. The law requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution (i) 60 days prior to the defendant's release from supervision or (ii) if the agency requests that the defendant be released from supervision, at the time the agency submits its request for the defendant's release. The law requires that the court conduct a hearing prior to the defendant's release from supervision to review the defendant's compliance with the restitution order. In addition to other hearing requirements, the law also sets forth the remedies available to the court, including contempt, in the case of a defendant who fails to comply with a restitution order.

HB 1249/SB 565. DNA analysis upon conviction of certain misdemeanors. The law adds misdemeanor violations of §§ 18.2-57 (assault and battery) and 18.2-119 (trespass) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis.

HB 1266/SB 566. Report of arrests; fingerprints; trespass; disorderly conduct. The law requires that a law-enforcement agency make a report of any arrest of a person for violations of §§ 18.2-119 (trespass) or 18.2-415 (disorderly conduct) to the Central Criminal Records Exchange and that such report be accompanied by the fingerprints and photograph of the person arrested. Under current law, such a report is required for all other misdemeanors punishable by confinement in jail under Title 18.2 (Crimes and Offenses Generally). This law is a recommendation of the Virginia State Crime Commission.

Domestic Animals

HB 865. Pet shops; local ordinance requiring bond for out-of-state breeder. The law authorizes any local governing body to adopt an ordinance that requires any pet shop selling dogs procured from outside the Commonwealth to furnish a bond of at least \$5,000 if it maintains for sale an average of 50 or fewer dogs per year and not more than \$30,000 if it maintains for sale an average of 51 or more dogs per year. The law authorizes such a locality to reduce or waive the bond requirement at its discretion and to terminate the bond requirement for a pet shop that has operated without interruption for 10 years without having its bond called by the locality. The law provides that if a pet shop ceases business operations, the locality has the right to call the bond and utilize the resulting funds as necessary to protect the welfare of the animals or fish from the shop.

HB 1537. Animal boarding establishments; clarifies definition of boarding establishment. The law excludes from the definition of "boarding establishment" any private residential dwelling that shelters, feeds, and waters fewer than five companion animals that are not owned by the proprietor.

SB 571. Animal bite history; disclosure of information; penalty. The law requires animal shelter officials and certain others to ask and document whether, if known, a dog or cat being taken in has bitten

a person or animal and the circumstances and date of such bite. The law also requires that bites be disclosed upon release of a dog or cat for adoption and in other circumstances. Violation of such requirements is a Class 3 misdemeanor.

Education

HB 1125/SB 349. Teacher licensure. The law makes several changes to the teacher licensure process, including (i) permitting teachers with a valid out-of-state license, with full credentials and without deficiencies, to receive licensure by reciprocity without passing additional licensing assessments and (ii) permitting a local school board or division superintendent to waive certain licensure requirements for any individual who holds a provisional license and is employed by the local school board.

HB 1419/SB 273. Public elementary schools; unstructured recreational time. The law authorizes local school boards to provide, in elementary schools, a certain amount of unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness for students.

HB 1600. Student discipline; long-term suspension. The law reduces the maximum length of a long-term suspension from 364 calendar days to 45 school days. The law permits a long-term suspension to extend beyond a 45-school-day period, not to exceed 364 calendar days, if (i) the offense involves weapons, drugs, or serious bodily injury or (ii) the school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education. The law requires the Department of Education's definition of aggravating circumstances to include consideration of a student's disciplinary history.

SB 170. Public schools; student discipline. The law prohibits, except for drug offenses, firearm offenses, and certain criminal acts, students in preschool through grade three from being suspended for more than three school days or expelled from attendance at school unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

Firearms

SB 669. Involuntary mental health treatment; minors; access to firearms. The law, which became effective April 18, 2018, provides that a person who, while a minor 14 years of age or older, was ordered to involuntary inpatient or outpatient treatment or was subject to a temporary detention order and agreed to voluntary admission (i) is subject to the same restrictions on possessing, purchasing, or transporting a firearm as an adult who was similarly ordered to involuntary treatment or was subject to a temporary detention order and agreed to voluntary admission and (ii) may utilize the same procedure as such adult for petitioning for the restoration of such person's firearm rights. The law also sets out procedures for the submission of any involuntary treatment order or certification of voluntary admission subsequent to a temporary detention order involving a minor 14 years of age or older to the Central Criminal Records Exchange for purposes of determining a person's eligibility to possess, purchase, or transport a firearm that mirror the current procedures for the submission of such orders or certifications for adults.

FOIA

HB 1. Scholastic records; disclosure of directory information. The law clarifies that student directory information may be publicly disclosed by a school if the school has given notice to the parent or eligible



student of (i) the types of information that the school has designated as directory information; (ii) the right of the parent or eligible student to refuse the designation of any or all of the types of information about the student as directory information; and (iii) the period of time within which a parent or eligible student must notify the school in writing that he does not want any or all of the types of information about the student designated as directory information. The law also provides, however, that no school shall disclose the address, phone number, or email address of a student pursuant to federal regulations or the Virginia Freedom of Information Act unless the parent or eligible student has affirmatively consented in writing to such disclosure.

SB 512. Virginia Freedom of Information Act (FOIA); scholastic records; student addresses, phone numbers, and email addresses. The law prohibits the custodian of a scholastic record from releasing the address, phone number, or email address of a student in response to a FOIA request without first obtaining the written consent of either the student or the student's parent or legal guardian.

Food and Drink Establishments

HB 286. Food and drink sanitary requirements; exception for dogs in wineries. The law provides that dogs may be allowed within a designated area inside or on the premises of a licensed winery or farm winery, distillery, or brewery or farm brewery, except in any area used for the manufacture of food products. Current law provides that no animal shall be permitted in any area used for the manufacture of food products, with certain exceptions for guard or guide animals.

HB 1404. Snakehead fish; certified restaurants and retail markets. The law exempts certain restaurants and retail markets from the prohibition against purchasing or selling processed snakehead fish.

General Laws

HB 883/SB 20. Department of Planning and Budget; regulatory reduction pilot program; report. The law directs the Department of Planning and Budget (the Department), under the supervision of the Secretary of Finance (the Secretary), to administer a three-year regulatory reduction pilot program aimed at reducing by 25 percent the regulations and regulatory requirements, as defined in the law, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021. The law directs all executive branch agencies subject to the Administrative Process Act (§ 2.2-4000 et seq.) to develop a baseline regulatory catalog and report such catalog data to the Department, which shall then track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years.

Health/Health Professions

HB 226/SB 222. Medically or ethically inappropriate care not required. The law establishes a process whereby a physician may cease to provide health care that has been determined to be medically or ethically inappropriate for a patient.

HB 793. Nurse practitioners; practice agreements. The law authorizes more autonomy for nurse practitioners by eliminating the requirement for a practice agreement with a patient care team physician for a licensed nurse practitioner who has completed the equivalent of at least five years of full-time clinical experience and submitted an attestation from his patient care team physician. The law requires that a nurse practitioner authorized to practice without a practice agreement (i) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent

with the applicable standards of care, (ii) consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and (iii) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.

HB 1054. Prescription requirements; treatment of sexually transmitted disease. The law, which expires on July 1, 2020, allows a practitioner employed by the Department of Health to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required.

HB 1251/SB 726. CBD oil and THC-A oil; certification for use; dispensing. The law, which became effective on March 9, 2018, provides that a practitioner may issue a written certification for the use of cannabidiol (CBD) oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The law increases the supply of CBD oil or THC-A oil a pharmaceutical processor may dispense from a 30-day supply to a 90-day supply. The law reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil, respectively. As introduced, this law was a recommendation of the Joint Commission on Health Care.

SB 226. Prescription Monitoring Program; veterinarians. The law requires veterinarians who dispense controlled substances to report certain information about the animal and the owner of the animal to the Prescription Monitoring Program (PMP).

SB 511. Optometry; scope of practice. The law authorizes a TPA-certified optometrist to administer therapeutic pharmaceutical agents by injection for the treatment of chalazia by means of an injection of a steroid included in Schedule VI controlled substances, provided that the optometrist provides written evidence that he has completed certain training requirements to the Board of Optometry.

Higher Education

HB 919/SB 631. Public institutions of higher education; course credit. The law makes several changes relating to course credit at public institutions of higher education in the Commonwealth, including requiring (i) the Virginia Community College System to develop a 15-credit-hour Passport Program and a 30-credit-hour Uniform Certificate of General Studies Program to be offered at each comprehensive community college and for which courses are transferable, except in certain circumstances, to each baccalaureate public institution of higher education and (ii) each baccalaureate public institution of higher education to develop pathway maps that clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution.

HB 1138/SB 394. Office of the Qualified Education Loan Ombudsman. The law establishes the Office of the Qualified Education Loan Ombudsman (the Office) within the State Council of Higher Education for Virginia. The Office's duties include (i) receiving, reviewing, and attempting to resolve complaints from qualified education loan borrowers; (ii) compiling and analyzing data on such complaints; (iii) assisting qualified education loan borrowers to understand their rights and responsibilities under the terms of qualified education loans; (iv) providing information regarding the problems and concerns of qualified education loan borrowers; (v) analyzing and monitoring the development and implementation of applicable laws and policies; and (vi) disseminating information



concerning the availability of the Office to assist qualified education loan borrowers and any other participant in qualified education loan lending with qualified education loan servicing concerns. The Office is further required to establish and maintain a qualified education loan borrower education course by December 1, 2019.

Horse Racing

HB 1609. Horse racing and pari-mutuel wagering. The law establishes historical horse racing as a form of horse racing. The law defines historical horse racing as a form of racing that creates pari-mutuel pools from wagers placed on previously conducted horse races and is hosted at (i) a racetrack owned or operated by a significant infrastructure limited licensee or (ii) a satellite facility that is owned or operated by (a) a significant infrastructure limited licensee or (b) the nonprofit industry stakeholder organization recognized by the Virginia Racing Commission and licensed to own or operate such satellite facilities. The law establishes retainage fees similar to those already in existence for horse racing and provides for the Commission to promulgate emergency regulations.

Housing

HB 609/SB 391. Housing; installation and maintenance of smoke and carbon monoxide alarms. The law creates a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property. The law requires a landlord (i) to install a smoke alarm but does not permit a locality to require new or additional wiring or the upgrading of smoke alarms under certain conditions and (ii) to certify annually that smoke alarms have been installed and maintained in good working order in a residential dwelling unit. The landlord is also required to install a carbon monoxide alarm upon request by a tenant. The law directs that a tenant of a rental dwelling unit with a smoke alarm or both smoke and carbon monoxide alarms must not tamper or remove such alarms. Under the law, a reasonable accommodation must be made for persons who are deaf or hearing impaired, upon request. Localities that have enacted a fire and carbon monoxide alarm ordinance must conform such ordinances with these state standards by July 1, 2019. The law also requires the Department of Housing and Community Development, in consultation with the Department of Fire Programs, to develop a form for landlords for use in certifying inspections that summarizes smoke alarm maintenance requirements for landlords and tenants. The bill, as introduced, is a recommendation of the Virginia Housing Commission.

HB 855/SB 197. Landlord and tenant law; notice requirements; landlord's acceptance of rent with reservation. The law changes the landlord and tenant law notice requirements for landlords to accept full or partial rent while continuing to proceed with a court action to obtain an order of possession and subsequent eviction by creating a single notice and removing the requirement for second notice for the time period between entry of an order of possession and prior to eviction. The law provides that the landlord may accept full or partial payment of rent and still receive an order of possession and proceed with eviction if the landlord states in the written notice to the tenant that any payment of rent, damages, money judgment, award of attorney fees, and court costs would be accepted with reservation and not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit.

Hunting

HB 239/SB 375. Hunting with the assistance of dogs; hunting or killing raccoons on Sunday. The law removes the prohibition on hunting or killing raccoons after 2:00 a.m. on Sunday.

HB 564. Hunting apparel; hunting from an enclosed blind, displaying solid blaze orange or solid blaze pink. The law allows a hunter hunting from an enclosed ground blind during any firearms deer season, except during the special season for hunting deer with a muzzle-loading rifle only, to display attached to or immediately above the blind at least 100 square inches of solid blaze orange or solid blaze pink material visible from 360 degrees in lieu of wearing specified hunting apparel. The law also requires that all specified blaze orange or blaze pink hunting apparel or material be solid in color and safety or fluorescent in hue.

HB 995. Dogs; licensed hunter may track a wounded bear, turkey, or deer with certain weapon. The law allows a licensed hunter to use tracking dogs to find a wounded or dead bear, deer, or turkey. The law authorizes the hunter to have a weapon in his possession and to use it to humanely kill the tracked animal, including after legal shooting hours. Current law prohibits a hunter from having a weapon in his possession while tracking.

HB 1393/SB 859. Arrowgun hunting; authorized to hunt deer and small game when hunter is licensed to hunt with bow and arrow. The law authorizes the use of an arrowgun, a pneumatic-powered air gun that fires an arrow, for hunting and allows certain disabled hunters to obtain an archery license for hunting with an arrowgun.

Insurance

HB 234. Health insurance; synchronization of medications. The law requires any health plan providing prescription drug coverage to permit and apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for a partial supply if the prescribing provider or the pharmacist determines the fill or refill to be in the best interest of the enrollee and the enrollee requests or agrees to a partial supply for the purpose of synchronizing the enrollee's medications. Such a proration shall not occur more frequently than annually. The law also prohibits such a health plan from denying coverage for the dispensing of a medication that is dispensed by a network pharmacy on the basis that the dispensing is for a partial supply if the prescribing provider or the pharmacist determines the fill or refill is in the best interest of the enrollee and the enrollee requests or agrees to a partial supply for the purpose of synchronizing his medications. The law requires health plans to allow a pharmacy to override denial codes indicating that a prescription is being refilled too soon for the purpose of synchronizing the enrollee's medications. The law prohibits health plans from using payment structures incorporating prorated dispensing fees and requires that dispensing fees for partially filled or refilled prescriptions be paid in full for each prescription dispensed regardless of any prorated copay or fee paid for synchronization services.

HB 1368. Group accident and sickness insurance; eligibility for continuation of coverage. The law disqualifies a discharged employee from continuation of health insurance coverage under his former employer's group policy if the employee was discharged as a result of gross misconduct. The provision does not apply if the employer is required to provide for continuation of coverage under its group health plan pursuant to the federal Consolidated Omnibus Budget Reconciliation Act of 1985.

SB 672. Health insurance; small employers; self-employed persons. The law revises the definition of "small employer" for purposes of health insurance to provide that it includes a self-employed person. The law also provides that an individual who is the sole shareholder of a corporation or sole member of a limited liability company, or an immediate family member of such sole shareholder or member, qualifies as an employee of the corporation or limited liability company if he performed any service for remuneration under a contract of hire for the corporation or limited liability company.



Local Government

HB 508/SB 429. Local regulation of solar facilities. The law provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic or architectural preservation district. The law requires that any ground-mounted solar energy generation facility existing as of January 1, 2018, be deemed a legal nonconforming use, with certain exceptions.

HB 709. Zoning violation penalties. The law increases the maximum fine for failure to remove or abate a zoning violation after conviction from \$1,500 to \$2,000 for succeeding 10-day periods after two previous failures to remove or abate the violation in accordance with court-imposed deadlines.

HB 1241. Car-washing fundraisers; use of biodegradable cleaners. The law prohibits any locality from banning car-washing fundraisers that use biodegradable, phosphate-free, water-based cleaners and provides that no permit issued pursuant to the State Water Control Law shall prohibit the discharge of such noncommercial fundraising activity washwaters from a municipal separate storm sewer system.

Motor Vehicles

HB 708. Rear-facing child restraint devices. The law, which becomes effective July 1, 2019, prohibits child restraint devices from being forward-facing until, at least, the child reaches two years of age or until the child reaches the minimum weight limit for a forward-facing child restraint device as prescribed by the manufacturer of the device. The law expands the reasons that a physician may determine that it is impractical for a child to use a child restraint system to include the child's height.

HB 737. Department of Motor Vehicles documents; veteran indicator. The law requires the Department of Motor Vehicles to issue driver's licenses, permits, and identification cards displaying an indicator signifying that the holder is a veteran, provided that the applicant requests such indicator and provides proof of veteran status. The law repeals the authority of the Department to issue veterans identification cards.

SB 410. Steady-burning blue or red lights on law-enforcement vehicles. The law permits law-enforcement vehicles to be equipped with steady-burning blue or red lights in addition to being equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent of State Police.

Professions and Occupations

HB 1114. Professional and occupational regulation; authority to suspend or revoke licenses, certificates, registrations, or permits; default or delinquency of education loan or scholarship. The law provides that the Department of Professional and Occupational Regulation, the Department of Health Professions, the Board of Accountancy, and the Board of Education are not authorized to suspend or revoke the license, certificate, registration, permit, or authority it has issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.

Sexual Harassment Training

HB 371/SB 796. Sexual harassment training; legislative branch. Beginning January 1, 2019, the law requires General Assembly members and their full-time legislative staff and full-time employees of each legislative branch agency to complete sexual harassment training once every two calendar years.

Social Services

HB 437/SB 920. Adoption and foster care; barrier crimes; exception. The law allows a child-placing agency to approve as an adoptive or foster parent a person convicted of possessing a controlled substance without a valid prescription, provided that eight years have elapsed following the conviction and the applicant has complied with all obligations imposed by the criminal court, completed a substance abuse treatment program, successfully passed a drug test within 90 days prior to being approved, and complies with any other obligations as determined by the Department of Social Services.

HB 873/SB 121. Child care providers; criminal history background check; sunset and contingency. The law extends from July 1, 2018, to July 1, 2020, the expiration date and contingency on the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) employees and volunteers of licensed family day systems, child day centers exempt from licensure pursuant to § 63.2-1716, registered family day homes, and family day homes approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant of 2014, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home.

HB 1333/SB 636. Kinship Guardianship Assistance program. The law creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The law sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements.

SB 539. Child day programs; exemptions from licensure. The law, which becomes effective July 1, 2019, splits the list of child day programs exempt from licensure into two categories. The first category sets forth programs that are not considered child day programs and therefore are not subject to licensure. The second category of programs sets forth programs that are considered child day programs that shall remain exempt from licensure; however, the law requires that such programs (i) file with the Commissioner of Social Services (the Commissioner), prior to beginning operation and annually thereafter, a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the child day program has disclosed to the parents of children in the program the fact that it is exempt from licensure; (ii) report to the Commissioner all incidents involving serious physical injury or death to children attending the child day program; (iii) have a person trained and certified in first aid and CPR present at the child day program; (iv) maintain daily attendance records; (v) have an emergency preparedness plan in place; (vi) comply with all applicable laws and regulations governing transportation of children; (vii) comply with certain safe sleep practices for infants; and (viii) post in a visible location notice that the program is not licensed by the Department of Social Services and only certifies basic health and safety requirements.



The law also adds an exemption from licensure for any child day program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. The law also modifies staffing ratios for religious-exempt child day centers. Finally, the law directs the Commissioner to (a) inspect child day programs that are exempt from licensure to determine compliance with the provisions of the law only upon receipt of a complaint and (b) develop a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs.

Special License Plates

New revenue-sharing special license plates were approved for supporters of:

Virginia Future Farmers of America (HB 761 and SB 446)

Virginia's electric cooperatives (KEEPING THE LIGHTS ON) (HB 1535)

The Alzheimer's Association (SB 701)

Information on obtaining special license plates is available at any DMV office.

HB 287. Special license plates; STOP GUN VIOLENCE. The law authorizes the issuance of special license plates for supporters of stopping gun violence bearing the legend STOP GUN VIOLENCE with an expiration date of July 1, 2020. The law also authorizes the issuance of such plates as revenue-sharing special license plates as of July 1, 2020, with fees deposited in the Stop Gun Violence Fund to be used to enhance and ensure for the coming years the quality of care and treatment provided to individuals receiving public mental health, developmental, and substance abuse services in Virginia.

Taxation

HB 1441/SB 249. Taxation of all-terrain vehicles, mopeds, and off-road motorcycles. The law, which becomes effective October 1, 2018, makes all-terrain vehicles, mopeds, and off-road vehicles subject to the motor vehicle sales and use tax. Previously, these types of vehicles were taxed under the retail sales and use tax. Under the new law, they will be taxed at the same rate as before; however, the law changes the timing of the assessment of the tax (while the retail sales tax is due at the time of sale, the motor vehicle sales tax is due at the time of titling). If Virginia retail sales tax already has been paid on a vehicle, it is exempt from motor vehicle sales tax.

Trade and Commerce

HB 304. Certain fraud crimes; Virginia Consumer Protection Act. The law adds the offenses of obtaining money by false pretense, financial exploitation of mentally incapacitated persons, and construction fraud to the prohibited practices under the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

HB 1027/SB 16. Security freezes; fees. The law reduces from \$10 to \$5 the maximum amount that a credit reporting agency may charge to place, remove, or lift a security freeze on a consumer's credit report.

SB 418. Public safety answering points; deployment of text-to-9-1-1. The law requires each public safety answering point (PSAP), by July 1, 2020, to be able to receive and process calls for emergency assistance sent via text message.

Traffic Offenses

HB 1525. Use of handheld personal communications devices; highway work zones. Imposes a mandatory fine of \$250 for using a handheld personal communications device for reading emails or texting while operating a motor vehicle in a highway work zone, defined in the law, when workers are present.

Transportation

HB 505. Traffic signs; people with disabilities. The law allows any person who is deaf, blind, or deaf-blind, any person with autism or an intellectual or developmental disability, or the agent of any such person to request that the Department of Transportation post and maintain signs informing drivers that a person with a disability may be present in or around the roadway and directs the Department to post and maintain such signs in accordance with regulations developed by the Department.

HB 1539/SB 856. Mass transit in the Commonwealth. The law makes numerous changes to the administration of revenues for mass transit in the Commonwealth, specifically as it relates to funding of the Washington Metropolitan Area Transit Authority (WMATA) and the disbursement of funds in the Commonwealth Mass Transit Fund. The law sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The law uses a variety of existing revenue sources to allocate revenues for mass transit and authorizes the issuance of \$50 million in bonds only for a required federal match. The provisions of the law are contingent upon Maryland, the District of Columbia, and the federal government adopting similar actions to raise revenues for WMATA.

Unemployment Compensation

HB 1293. Unemployment compensation; penalty for failure to file reports. The law increases the penalty, from \$75 to \$100, that the Virginia Employment Commission is required to assess an employer who fails to file a report required under Title 60.2 (Unemployment Compensation) with respect to wages or taxes.

SB 51. Income withholding orders. The law repeals the requirement, enacted in 1993, that an employer request that each new employee disclose whether the employee has an income withholding order. This requirement has been superseded in practice by requirements that an employer submit information about new hires to the Virginia New Hire Reporting Center within 20 days of the employee's hire date. Under the current system, relevant data in the State Directory of New Hires and the National Directory of New Hires is used by the Division of Child Support Enforcement to issue orders enforcing child support obligations. This law is a recommendation of the Virginia Code Commission.

Utilities

SB 966. Electric utility regulation. The law provides that, in lieu of the biennial review proceedings previously required, Dominion Energy Virginia (DEV) and Appalachian Power (APCo) will be subject to triennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. DEV's first review after its Transitional Rate Period will be held in 2021, which is one year earlier than currently scheduled. APCo's first review after its Transitional Rate Period will be held in 2020 and will utilize the three 12-month test periods beginning January 1, 2017, and ending December 31, 2019. The law also establishes a new rate adjustment clause category for expenses of electric distribution grid transformation projects and declares that electric distribution grid transformation



projects are in the public interest. The costs of such projects may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset. The law also directs the State Corporation Commission to approve the costs of certain conversions of an investor-owned electric utility's existing overhead distribution tap lines with new underground facilities and provides that the portion of the costs associated with new utility-owned solar or wind generation facilities or with electric distribution grid transformation projects that are the subject of a customer credit reinvestment offset shall not be thereafter recoverable through the utility's base rates or a rate adjustment clause. The law also includes enactment clauses that among other things (i) approve of the underground construction of two electrical transmission lines; (ii) bar APCo from recovering \$10 million of incurred fuel costs; (iii) require DEV to provide current customers voluntary bill credits of \$133 million in 2018 and \$67 million in 2019; (iv) require reductions in the rates for incumbent electric utilities to reflect reductions in federal tax liability; (v) allow certain large nonresidential customers that enter into a three-year minimum exclusive supply agreement to receive a two percent reduction in their base generation charges; and (vi) require the utilities to develop energy conservation programs.

HB 1451. Net energy metering; schools. The law directs Dominion Energy Virginia to conduct a pilot program, not exceeding 10 megawatts in the aggregate, under which any public school in the Commonwealth that generates more electricity from a wind-powered or solar-powered generation facility than it consumes in a billing period may either credit the excess electricity to the metered accounts of one or more other schools in the school division or be paid for the excess electricity at the contractually negotiated rate.

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