

**DIGEST OF THE ACTS**  
**OF THE**  
**GENERAL ASSEMBLY OF VIRGINIA**  
**AT THE**  
**2007 SESSION**

which commenced at the Capitol in the City of Richmond on January 10, 2007, and adjourned sine die February 24, 2007.



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## PREFACE

This Digest of the Acts has been prepared to give an overview of the legislation adopted during the 2007 Regular and Reconvened Sessions of the General Assembly of Virginia, prior to publication of the 2007 Acts of Assembly.

These brief notes are not detailed synopses of the acts, but are intended to point out the major features of new measures or the principal changes in existing law. Anyone desiring more detailed information about an act should obtain its full text.

The arrangement of the Digest parallels the title and section number organization of the Code of Virginia. Under each title heading is listed every section within that title that has been amended, added, or repealed, and a brief description of the effect of the General Assembly action. Some titles have a "Miscellaneous" section containing acts that usually do not have Code section numbers but are related to the subject matter of that title. If an act affects several sections of a title, the note appears under the first section only, but the note heading lists the other affected sections. For acts affecting sections in different titles, there are appropriate cross-references. There are no cross-references to sections within the same title, so the user must scrutinize the note headings within each title. Uncodified appropriation, bond, claims, and constitutional amendment measures are included at the end of the Digest.

Please note that the section numbers appearing in this Digest are those assigned to bills at the time of drafting. Due to conflicts with other numbers already assigned, or in order to effect a more logical placement, the Virginia Code Commission in its codification of the acts may change the numbers contained in an act as shown in this Digest. The final section number assignments can be determined after the Code supplements are published by consulting the "Table of Acts Codified Subsequent to 1948" in Volume 10 of the Code.

The acts of the 2007 General Assembly will become effective on July 1, 2007, unless otherwise designated in the act itself. If an act becomes effective on a different date, the note will so indicate. If sections in an act become effective on different dates, the last line of the note will refer readers to the act itself.

Following the notes is a chart showing all other bills passed during the 2007 Regular and Reconvened Sessions of the General Assembly that have become law by virtue of being signed by the Governor, the chapter numbers assigned to those bills, and the pages where their summaries appear in the Digest. Bills passed by the General Assembly but vetoed by the Governor are omitted.

The Digest has been prepared from summaries written by the staff of the Division of Legislative Services.

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**TITLE 1. GENERAL PROVISIONS.**

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**§ 1-211.1 added. Courthouse; posting of notices.** Provides that whenever notices, summonses, orders, and other official documents are required to be posted on or at the front door of a courthouse or on a public bulletin board at the courthouse, this requirement can be met if such documents are posted at or near the principal public entrance to the courthouse in a conspicuous location that has been approved by the chief judge of the circuit in which the courthouse is situated. SB 1255; CH. 734.

**§§ 15.2-1800, 15.2-1814, and 25.1-108 amended; § 1-237.1 added; § 15.2-1900 repealed. Public uses; eminent domain.** Defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; or (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007, until July 1, 2010. The bill also does not prohibit the Norfolk Redevelopment and Housing Authority or the City of Norfolk from acquiring property through the use of eminent domain for the location of a recreational facility, to be owned or operated by a nonprofit entity, that will be open to the public, provided that such acquisitions are instituted prior to July 1, 2010. HB 2954; CH. 882/SB 781; CH. 901/SB 1296; CH. 926.

**§ 1-510 amended. State festival.** Designates the Virginia Covered Bridge Festival held in Patrick County as the official covered bridge festival of the Commonwealth. HB 3076; CH. 685/SB 1375; CH. 391.

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**TITLE 1. MISCELLANEOUS - GENERAL PROVISIONS.**

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**Reversion of federal lands to the Commonwealth.** Authorizes the Commonwealth to take title to federal lands located within the Northern Virginia Planning District that contain environmental contamination if the United States enters into a written agreement with the Commonwealth, in a form to be approved by the Attorney General, to indemnify the Commonwealth for associated liabilities and clean-up costs or otherwise provides satisfactory assurances that all corrective action necessary to protect human health and the environment will be taken at the sole expense of the United States. The bill further provides that in addition, such transfer or reversion shall not occur unless and until the United States has agreed, and provides assurances satisfactory to the Commonwealth, to provide all transportation infrastructure improvements required to accommodate the development of any property contiguous or adjacent to the property subject to the transfer or reversion. HB 2431; CH. 490.

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**TITLE 2.2. ADMINISTRATION OF GOVERNMENT.**

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**§ 2.2-115 amended. Governor's Development Opportunity Fund.** Adjusts eligibility for grants or loans from the Governor's Development Opportunity Fund for projects that are in a city or county whose annual average unemployment rate for the most recent calendar year is one and a half times or more the state average. In such cases, the minimum amount of private investment is lowered from \$10,000,000 to \$7,500,000 and the number of new jobs that must be created is lowered from 100 to 75. For localities with a population between 50,000 and 100,000 the minimums are lowered from \$5,000,000 in private investment to \$3,500,000 and from 50 new jobs to 35. For localities with less than 50,000 in population, minimums are lowered from \$2,500,000 in private investment to \$1,500,000 and from 25 new jobs to 15. In addition, the bill provides that localities that have created Regional Industrial Facilities Authorities shall be eligible at the lowest investment and job creation threshold of any locality in that Authority. HB 2468; CH. 654.

**§ 2.2-212 amended. Secretary of Health and Human Resources; duties.** Provides that the Secretary of Health and Human Resources shall serve as the lead Secretary for the coordination and implementation of the long-term care policy of

the Commonwealth, working with the Secretaries of Transportation, Commerce and Trade, and Education, and the Commissioner of Insurance, to facilitate interagency service development and implementation, communication, and cooperation. HB 2033; CH. 399/SB 1024; CH. 10.

**§ 2.2-212 amended. Secretary of Health and Human Resources; duties.** Requires the Secretary of Health and Human Resources to coordinate the disease prevention activities of agencies in the Secretariat to ensure efficient, effective delivery of health related services and financing. HB 3131; CH. 534/SB 1374; CH. 581.

**§§ 2.2-220, 10.1-202, 10.1-642, 10.1-1193, 10.1-2127, 10.1-2134, and 62.1-44.118 amended. Consolidation of reports.** Consolidates the Tributary Strategy Implementation Report, the Watershed Planning and Permitting Report, and the Water Quality Improvement Fund Annual Report into the Impaired Waters Clean-up Plan Report. HB 2229; CH. 637.

**§ 2.2-229 amended. Office of Intermodal Planning and Investment.** Amends the name of the "Intermodal Office" to the "Office of Intermodal Planning and Investment" and provides for additional duties of the Office. HB 2850; CH. 219.

**§ 2.2-229 amended. Office of Intermodal Planning and Investment.** Amends the name of the "Intermodal Office" to the "Office of Intermodal Planning and Investment" and provides for additional duties of the Office. SB 1199; CH. 80.

**§§ 2.2-306, 5.1-158, 44-146.17, and 44-146.28 amended. Emergency management and preparedness; mutual aid agreements.** Specifies that personnel, equipment, or supplies of the Commonwealth or a political subdivision may be used to assist another state that has declared a state of emergency upon written request of the chief executive of the other state. In addition, the bill authorizes the Governor to provide financial assistance to Virginia state agencies and political subdivisions that provide emergency aid to another state and authorizes the Metropolitan Washington Airport Authority police department to assist the National Capital Region and abutting localities and entities in the case of emergency. The bill also increases from 29 to 34 the membership of the Secure Commonwealth Panel by adding the Executive Secretary of the Supreme Court of Virginia and four members from the business or industry sector. HB 2304; CH. 742/SB 1202; CH. 729.

**§ 2.2-306 amended. Secure Commonwealth Panel; membership.** Increases from 29 to 30 the membership of the Secure Commonwealth Panel by adding the Executive Secretary of the Supreme Court of Virginia and makes technical amendments. SB 987; CH. 714.

**§ 2.2-409.** See § 47.1-2; HB 2058/SB 826.

**§ 2.2-409 amended. Fee for testimonials; international adoptions.** Provides that the Secretary of the Commonwealth may charge five dollars for each authentication after the first testimonial for documents bearing the testament of the same person on the same date. SB 818; CH. 362.

**§§ 2.2-507 and 2.2-510 amended. Compensation of special counsel.** States that special counsel is to be paid out of funds appropriated for the administration of the board, commission, division or department to be represented. Changes "defended language" to "represented" language. HB 2982; CH. 248.

**§ 2.2-507 amended; § 10.1-119 added. Office of the Attorney General; Department of Conservation and Recreation; representation in civil matters; special counsel for certain proceedings.** Provides for the Attorney General to represent conservation officers of the Department in civil actions. The bill also provides for the Director of the Department of Conservation to employ special counsel to defend any conservation officer of the Department who is brought before any regulatory body, grand jury or investigated, arrested, indicted or prosecuted on any criminal charge arising out of any act committed in performing his official duties. SB 894; CH. 595.

**§ 2.2-507.2 added. Youth Internet Safety Fund; established.** Establishes the Youth Internet Safety Fund for the purposes of education, public awareness, and other activities to promote the safe and secure use of the Internet. The bill provides that the Virginia Public Procurement Act does not apply to expenditures from the fund. HB 3017; CH. 309 (effective 3/12/07).

**§ 2.2-511.** See § 18.2-46.5; HB 2429.

**§ 2.2-514 amended. Attorney General; compromise and settlement of disputes.** In addition to making clarifying changes, increases from \$50,000 to \$250,000 the amount arising in a dispute, claim, or controversy involving the interests of the Commonwealth that the Attorney General may compromise and settle. HB 2835; CH. 217.

**§ 2.2-515.1 amended; § 2.2-515.2 added. Address Confidentiality Program; victims of domestic violence.** Requires the Statewide Facilitator for Victims of Domestic Violence in the Office of the Attorney General to establish the "Address Confidentiality Program" to protect victims of domestic violence by authorizing the use of designated addresses for such victims. The bill limits its application to Arlington County with a report from the Office of the Attorney General on evaluation of the program by December 31, 2007. SB 938; CH. 599.

**§ 2.2-701 amended. Department for the Aging; long-term care services.** Expands the type of long-term care services that must be provided, including transportation, educational, and housing services and opportunities for self-care and independent living. HB 2032; CH. 747.

**§ 2.2-813.2 added. Comptroller; reports of other obligations of the Commonwealth.** Provides that to assist in the managing, planning, and budgeting of the state's financial resources, the Comptroller, in conjunction with the Secretary of Finance, shall report biannually to the Governor and the members of the General Assembly each off-balance sheet financial obligation of the Commonwealth, itemized by agency, board, institution, or authority of the Commonwealth, and such other obligations of the Commonwealth that are estimated by the Comptroller to be incurred. HB 1943; CH. 62.



**§ 2.2-904.1 added. One-stop small business permitting program.** Establishes a one-stop permitting program for small businesses. The program is to be administered by a business registration and permitting center in the Department of Business Assistance. Owners of small businesses, defined as establishments with no more than 250 full-time employees, will be able to complete a master application online to register their businesses with the state. HB 3164; CH. 706.

**§§ 2.2-1111, 2.2-2012, 2.2-2622, 2.2-5513, and 23-9.9:01 amended. Procurement of services by certain state agencies.** Requires the Director of the Division of Purchases and Supply of the Department of General Services, the CIO of VITA, and the Director of SCHEV to solicit from each state agency under their respective control a list of all procurements conducted by an agency that were competed with the private sector by October 1, 2009. The bill also requires that the Commonwealth Competition Council update its commercial activities list every two years. HB 2137; CH. 630.

**§§ 2.2-1124 and 2.2-2007 amended. Electronics recycling; security of state confidential data and personal information.** Requires the Department of General Services to develop guidelines, with the advice of the Chief Information Officer (CIO) to ensure that the transfer or other disposition of computers or information technology assets are consistent with data and information security policies developed by the Virginia Information Technologies Agency. HB 2946; CH. 701.

**§ 2.2-1150 amended. Conveyance of property by the Commonwealth.** Requires prior written notice to the General Assembly of any transaction involving military property owned by the Commonwealth. A certification of compliance with the notice requirement in a deed or other instrument conveying military property shall serve as prima facie evidence of compliance, absent knowledge to the contrary by the purchaser or transferee. HB 1997; CH. 624.

**§ 2.2-1514.** See § 58.1-605; HB 3202.

**§ 2.2-1839 amended. Department of Treasury; Division of Risk Management; supplement liability coverage for city and county sheriff's departments and regional jails.** Provides that a sheriff's department of any city or county or a regional jail shall not be precluded from securing excess liability insurance coverage beyond the coverage provided by the Division. SB 971; CH. 773.

**§§ 2.2-2001 and 2.2-4310 amended. Department of Veterans Services; certification of businesses owned by special disabled veterans.** Prohibits discrimination by public bodies in the solicitation and awarding of contracts and requires public bodies to establish a program to facilitate the participation of businesses owned by special disabled veterans in procurement transactions. The bill also requires the Department of Veterans Services to establish a program to certify businesses owned by special disabled veterans upon requests of owners of such businesses. The bill defines "service disabled veteran" and "service disabled veteran business." SB 1145; CH. 787.

**§§ 2.2-2006 and 2.2-2009 amended. Security of confidential state data.** Requires the Chief Information Officer of the Commonwealth to develop policies, procedures, and standards relating to the security data maintained and used by state agencies. The policies, procedures, and standards must include requirements that a user be required to provide a password or other means of authentication to access a computer and to access a state-owned or operated computer network or database through the computer, and that a digital rights management system be used to control access to electronic records containing confidential information. SB 845; CH. 769.

**§ 2.2-2007 amended. Powers of the CIO.** Gives the CIO of the Commonwealth the power to enter into contracts with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, or the District of Columbia for the provision of information technology services. The CIO must have the approval of the Information Technology Investment Board for any contracts over \$1,000,000. HB 2196; CH. 276.

**§ 2.2-2009 amended. Powers of the Chief Information Officer (CIO); information security.** Clarifies that policies, procedures, and standards developed for information security will apply to the Commonwealth's executive, legislative, and judicial branches, and independent agencies and institutions of higher education. The CIO shall work with representatives of the Chief Justice of the Supreme Court and Joint Rules Committee of the General Assembly to identify their needs and address the scope and frequency of security audits. The CIO will coordinate these audits with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission. The Chief Justice of the Supreme Court and the Joint Rules Committee of the General Assembly shall determine the most appropriate methods to review the protection of electronic information within their branches. SB 1029; CH. 775.

**§ 2.2-2101 amended; §§ 2.2-2530 and 2.2-2531 added. Commission on Immigration.** Creates the Virginia Commission on Immigration as an advisory commission in the executive branch. The purpose of the Commission is to study, report, and make recommendations to address the costs and benefits of immigration on the Commonwealth, including the impact on education, health care, law enforcement, local demands for services and the economy, and the effect on the Commonwealth of federal immigration and funding policies. The Commission expires on August 1, 2009. HB 1673; CH. 849.

**§§ 2.2-2101 and 2.2-2628 amended; § 2.2-2629.1 added. Council on Indians.** Changes the membership of the Council on Indians to consist of the chiefs of the Virginia tribes officially recognized by the Commonwealth, two at-large members appointed by the Governor from the Indian population residing in the state, and a member of the Governor's senior staff. The bill also authorizes the Council to establish an advisory committee consisting of members of representatives of Virginia tribes officially recognized by the Commonwealth

and non-recognized Indian descendant communities. In addition, the bill also adds a provision recognizing tribal relations that includes a statement of intent for the Commonwealth to act within the spirit and intent of certain original treaties to the extent permitted by the United States Constitution when dealing with official recognized tribes. The bill contains technical amendments. SB 1136; CH. 915.

**§§ 2.2-2316, 2.2-2317, and 2.2-2318 amended. Virginia Tourism Authority; powers and duties of the Executive Director.** Provides that the powers conferred upon the Virginia Tourism Authority are exercised by the Executive Director with the advice and counsel of the board of directors of the Authority. The bill designates the board as an advisory board and provides that the Executive Director shall not be a member of the board. SB 1078; CH. 779.

**§ 2.2-2329 amended. Virginia National Defense Industrial Authority; board of directors; membership.** Increases the members of the board of directors for the Virginia National Defense Industrial Authority from 16 to 17 by adding the Adjutant General of Virginia. The bill provides that the Adjutant General shall serve a term on the board of directors coincident with his term of office. HB 2307; CH. 117.

**§ 2.2-2428 amended. Virginia Public Broadcasting Board; membership.** Decreases the membership of the Virginia Public Broadcasting Board from 15 to 14 members by removing the chairman of the State Council of Higher Education. HB 2153; CH. 114/SB 1278; CH. 358.

**§ 2.2-2622 amended. Commonwealth Competition Council; powers and duties.** Requires the Commonwealth Competition Council to review the procurement process under the Public-Private Transportation and the Public-Private Education Facilities and Infrastructure Acts. SB 1408; CH. 584.

**§ 2.2-2666.1 amended. Virginia Military Advisory Council; membership.** Increases from 25 to 27 the membership of the Virginia Military Advisory Council by adding the Secretary of Public Safety and one member who shall be a representative of a major military command and installation located in Virginia or an adjacent jurisdiction. HB 2690; CH. 415.

**§§ 2.2-2698 and 2.2-2699 added. Modeling and Simulation Advisory Council; created.** Creates the Modeling and Simulation Advisory Council to advise the Governor on policy and funding priorities to promote the modeling and simulation industry in the Commonwealth. HB 2030; CH. 857.

**§§ 2.2-2698 and 2.2-2699 added. Aerospace Advisory Council; created.** Creates the Aerospace Advisory Council within the executive branch to advise the Governor on policy and funding priorities to promote the aerospace and space exploration industry in the Commonwealth. HB 3114; CH. 891.

**§ 2.2-2817.1 amended. Telecommuting; use of personal computers.** Authorizes a state agency to allow eligible employees to use computer equipment not owned or leased by the Commonwealth to telecommute, if such use is technically and economically practical, and so long as such use meets informa-

tion security standards as established by the Virginia Information Technologies Agency, or the employee receives an exception from such standards approved by the CIO of the Commonwealth or his designee. SB 1004; CH. 716.

**§ 2.2-2903 amended. Virginia Personnel Act; personnel administration; preference for veterans for employment with the Commonwealth.** Provides a veteran who applies for employment with the Commonwealth a preference during the selection process. Under the bill, the Department of Human Resource Management shall develop and distribute guidelines as an addendum to the Hiring Policy for Executive Branch agencies to provide guidance to agencies to comply with the veterans' preference requirement. HB 2840; CH. 336/SB 1033; CH. 605.

**§ 2.2-2905 amended. Virginia Personnel Act; exemptions; employees of the Indigent Defense Commission.** Exempts employees of the Virginia Indigent Defense Commission from the provisions of the Virginia Personnel Act. HB 2213; CH. 192.

**§§ 2.2-3112 and 15.2-1415 amended. State and Local Government Conflict of Interests Act.** Provides that if the disqualification of a state or local government officer or employee who has a personal interest in a transaction leaves fewer than the number required by law to act, the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote. SB 1400; CH. 613.

**§§ 2.2-3701, 2.2-3708, 23-38.95, and 23-50.16:32 amended; § 2.2-3708.1 added. Freedom of Information Act; electronic communication meetings.** Reduces the notice requirement for electronic communication meetings from seven to three working days and clarifies that political subdivisions, other than units of local government, may conduct electronic communication meetings. The bill also allows an individual member of a public body to participate in a meeting through electronic communication means from a remote location that is not open to the public in the event of an emergency, temporary or permanent disability or other medical condition, or when a member of a regional public body's principal residence is more than 60 miles from the primary meeting location. For a member to participate in the above described manner, the bill requires that a quorum of the public body be physically assembled at the primary or central meeting location and that the public body make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The bill defines "regional public body." The bill also contains technical amendments and is a recommendation of the Virginia Freedom of Information Advisory Council. SB 1001; CH. 945.

**§ 2.2-3703 amended. Freedom of Information Act; access by persons civilly committed under the Sexually Violent Predators Act.** Provides that the Freedom of Information Act does not afford any rights to persons civilly committed pursuant to the Sexually Violent Predators Act, except in exercising their constitutionally protected rights. HB 1790; CH. 438.

§§ 2.2-3703, 2.2-3808.1, 8.01-449, 17.1-208, 17.1-275, 17.1-279, and 20-121.03 amended; §§ 17.1-292, 17.1-293, and 17.1-294 added; § 2.2-3808.2 repealed. **Freedom of Information Act; Government Data Collection and Dissemination Practices Act; land records.** Provides that the Freedom of Information Act does not apply to land records available via secure remote access. The bill provides requirements for posting land records via secure remote access to the Internet and requires, beginning July 1, 2010, that social security numbers not be contained in such documents. Judgments, however, will contain the last four digits of a social security number for identification purposes. The clerk is given the authority to reject documents that contain social security numbers and also is allowed to perform a global redaction of social security numbers from those documents filed before the 2010 deadline. The bill also allows the use of the Technology Trust Fund to pay for redaction. The bill clarifies that the clerk is to charge \$0.50 per electronic image for transmitting "papers or records" to go out of his office in the same manner that he charges \$0.50 per page for copying. HB 2062; CH. 626 (effective - see bill)/SB 824; CH. 548 (effective - see bill).

§ 2.2-3704 amended. **Freedom of Information Act; responses to requests for public records.** Adds an additional response to address situations when a public body receives a request for public records under FOIA but cannot find the requested records or the requested records do not exist. The bill clarifies the other responses to requests for public records un 1791; CH. 439.

§ 2.2-3705.6 amended; § 2.2-2240.1 added. **Virginia Economic Development Partnership Authority.** Provides that the General Assembly may appropriate grants to the Authority for use by a nonprofit, public benefit research institute that (i) conducts research and development for government agencies, commercial businesses, foundations, and other organizations and (ii) commercializes technology. The Authority is authorized to create a nonprofit, nonstock corporation to administer the payment of such grants. HB 3171; CH. 693.

§§ 2.2-3705.6, 2.2-3711, and 56-573.1:1 amended. **Freedom of Information Act; exemptions for PPTA and PPEA projects.** Allows memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the PPTA (Public-Private Transportation Act of 1995) and PPEA (Public-Private Education Facilities and Infrastructure Act of 2002) to be withheld from public disclosure, where if such records were made public prior to or after the execution an interim or a comprehensive agreement, the financial interest or bargaining position of the public entity would be adversely affected. The bill allows any independent review panel appointed to review PPTA proposals and advise the responsible public entity concerning such records to meet in a closed meeting. The bill also contains technical amendments and is a recommendation of the Virginia Freedom of Information Advisory Council. SB 1002; CH. 374.

§ 2.2-3705.7 amended. **Freedom of Information Act; records of regional and local park authorities.** Expands the current record exemption for state or local park and recreation departments to include local and regional park authorities. As a result, certain records of such authorities are not subject to mandatory public disclosure. HB 2259; CH. 406.

§ 2.2-3705.7. See § 53.1-233; HB 2418/SB 1295.

§ 2.2-3705.7 amended. **Freedom of Information Act; certain information in rabies vaccination certificates.** Exempts the identification of breed of a vaccinated animal and any personal identifying information relating to the animal owner that is not made a part of an animal license application from the mandatory disclosure provisions of the Freedom of Information Act. HB 2558; CH. 660.

§§ 2.2-3705.7, 2.2-4006, 2.2-4007, 2.2-4013, 2.2-4014, 2.2-4015, and 2.2-4021. See § 10.1-404; HB 3113/SB 1403.

§§ 2.2-3705.7 and 2.2-3711 amended. **Freedom of Information Act; Virginia Retirement System.** Provides an exemption for the Virginia Retirement System (VRS) and a local retirement system for trade secrets provided by a private entity to the extent that the disclosure of such records would have an adverse impact on the financial interest of the VRS or local retirement system. SB 1369; CH. 739 (effective 3/21/07).

§ 2.2-3706. See § 19.2-80.2; HB 2858.

§§ 2.2-3707, 2.2-3707.1, and 2.2-4031 amended. **Freedom of Information Act; posting of meeting notices and minutes.** Clarifies where meeting notices and minutes of state public bodies must be posted. The bill also specifies that only notices of public hearings on regulations need be published in the Virginia Register. The bill is a recommendation of the Virginia Code Commission. HB 2758; CH. 300.

§ 2.2-3708 amended. **Freedom of Information Act; electronic communication meetings; Governor-declared state of emergency.** Allows state public bodies to meet by electronic communication means without a quorum of the public body physically assembled at one location when (i) the Governor has declared a state of emergency in accordance with § 44-146.17, (ii) the meeting is necessary to take action to address the emergency, and (iii) the public body otherwise complies with the electronic communication meetings law. HB 2669; CH. 512.

§ 2.2-3711 amended. **Freedom of Information Act; closed meetings; security of public buildings.** Adds a closed meeting exemption for the discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure. SB 1111; CH. 566.

§ 2.2-3713 amended. **Freedom of Information Act; venue for enforcement actions.** Clarifies that venue for the enforcement of FOIA rights and privileges against state public bodies, including state institutions, may be brought in general district court or the circuit court of the residence of the aggrieved party or of the City of Richmond. The bill addresses a recent Supreme Court of Virginia case of *William F. Shaw v. John T.*

*Casteen, et al*, where the Supreme Court upheld the trial court's decision that a FOIA action against the University of Virginia could not be brought where the aggrieved party lived. The bill contains technical amendments and is a recommendation of the Virginia Freedom of Information Advisory Council. SB 1003; CH. 560.

**§ 2.2-3806 amended. Government Data Collection and Dissemination Practices Act; rights of data subjects.** Requires agencies covered by the Government Data Collection and Dissemination Practices Act to respond to a data subject for inspection of his record in five working days after receiving the request or within a time period as may be mutually agreed upon by the agency and the data subject. The bill references the pertinent section of the Virginia Freedom of Information Act (FOIA) so as to treat requests made under the Government Data Collection and Dissemination Practices Act in the same manner as requests under FOIA, in terms of response time and invoking applicable exemptions, etc. The bill also clarifies that charges for document production shall be in accordance with FOIA provisions. HB 2527; CH. 232.

**§§ 2.2-4001, 2.2-4003, 2.2-4006, 2.2-4007, 2.2-4007.1, 2.2-4009, 2.2-4011, 2.2-4012, 2.2-4012.1, 2.2-4013, 2.2-4014, 2.2-4015, 2.2-4027, 2.2-4031, 3.1-398, 28.2-1507, 32.1-325, 35.1-14, 59.1-153, 62.1-44.15, 62.1-246, and 63.2-217 amended; §§ 2.2-4007.01 through 2.2-4007.07 added. Administrative Process Act.** Amends the Administrative Process Act by renumbering provisions relating to the promulgation of regulations by state agencies including public notice and participation and use of the Regulatory Town Hall throughout the process. In addition the bill clarifies the process for promulgating emergency regulations and provides for such regulations to be adopted, in certain instances, upon consultation with the Attorney General and approval of the Governor. Under the bill, the duration of an emergency regulation may be extended for up to six months beyond the initial one year effective period if approved by the Governor. The bill also (i) changes the venue for informal fact finding proceedings and formal hearings to the city or county where the administrative agency maintains its principal office or as the parties may otherwise agree, (ii) authorizes agencies using the fast track rulemaking process to provide for a public comment period of 30 days after the publication of the regulation in the Virginia Register and requires the Department of Planning and Budget to provide economic impact analysis within 30 days for such regulations, and (iii) authorizes an additional 30 days for the Department of Planning and Budget to complete fiscal impact statements under certain circumstances. The bill makes technical amendments and removes an obsolete provision. HB 2537; CH. 873.

**§§ 2.2-4001, 2.2-4003, 2.2-4006, 2.2-4007, 2.2-4007.1, 2.2-4009, 2.2-4011, 2.2-4012, 2.2-4012.1, 2.2-4013, 2.2-4014, 2.2-4015, 2.2-4027, 2.2-4031, 3.1-398, 28.2-1507, 32.1-325, 35.1-14, 59.1-153, 62.1-44.15, 62.1-246, and 63.2-217 amended; §§ 2.2-4007.01 through 2.2-4007.07 added. Administrative Process Act.** Amends the Administrative Process Act by renumbering provisions relating to the promulgation of

regulations by state agencies including public notice and participation and the use of the Regulatory Town Hall throughout the process. In addition the bill clarifies the process for promulgating emergency regulations and provides for such regulations to be adopted, in certain instances, upon consultation with the Attorney General and approval of the Governor. Under the bill, the duration of an emergency regulation may be extended for up to six months beyond the initial one year effective period if approved by the Governor. The bill also (i) changes the venue for informal fact finding proceedings and formal hearings to the city or county where the administrative agency maintains its principal office or as the parties may otherwise agree, (ii) authorizes agencies using the fast track rulemaking process to provide for a public comment period of 30 days after the publication of the regulation in the Virginia Register and requires the Department of Planning and Budget to provide economic impact analysis within 30 days for such regulations, and (iii) authorizes an additional 30 days for the Department of Planning and Budget to complete fiscal impact statements under certain circumstances. The bill makes technical amendments and removes an obsolete provision. SB 1139; CH. 916.

**§§ 2.2-4002 and 2.2-4103.** See § 28.2-1000.2; HB 2082.

**§ 2.2-4007 amended. Administrative Process Act; economic impact analysis of regulations to be provided to members of the General Assembly.** Requires the Department of Planning and Budget to provide an electronic copy of its economic impact analysis to each member of the General Assembly. HB 1942; CH. 316.

**§ 2.2-4007 amended. Administrative Process Act; Department of Planning and Budget; fiscal impact analysis.** Requires the Department of Planning and Budget to include the costs of development of real estate for commercial or residential purposes in its fiscal impact analysis of proposed regulations. The bill also requires the Department to provide a copy of the economic impact analysis to the Joint Commission on Administrative Rules. SB 1012; CH. 561.

**§ 2.2-4317 amended. Virginia Public Procurement Act; prequalification for certain transportation contracts.** Removes the reference to the Commonwealth Transportation Board from the exemption from prequalification provisions for contracts let pursuant to § 33.1-12, which details the power vested in the Board. SB 1089; CH. 154.

**§ 2.2-4327 amended. Investment of funds; affordable housing.** Allows localities to consider the investment activities of qualifying institutions that enhance the accessibility of affordable housing to local employees in determining the award of any contract for time deposits or investment of their funds. HB 3002; CH. 681.

**§ 2.2-4343.** See § 23-76.1; HB 1740.

**§ 2.2-4343 amended. Virginia Public Procurement Act; Virginia Retirement System; disability determination services.** Exempts the procurement of disability determination

services by the Virginia Retirement System from the Virginia Public Procurement Act. HB 2391; CH. 697.

**§ 2.2-4501 amended. Virginia Public Funds Act; Virginia Retirement System.** Amends the Virginia Public Funds Act to authorize the Virginia Retirement System to provide for the investment of funds as authorized by law, including the pooling of assets for investment. HB 2392; CH. 67.

**§ 2.2-5101 amended. Virginia Economic Development Partnership; Virginia Investment Performance Grants.** Allows an eligible manufacturer or research and development service to begin receiving incentive payments under the Virginia Investment Performance Grants subfund in the third year instead of the fourth year. In addition, the bill allows such payments to be made in the second year instead of the third year for distressed areas. SB 1209; CH. 384.

**§ 2.2-5102.1 amended. Virginia Economic Development Partnership; Virginia Economic Development Incentive Grants.** Reduces the waiting period for payments under the Virginia Economic Development Incentive Grant subfund from four to three years. The bill also (i) raises the aggregate amount of grants payable in any fiscal year from \$3 million to \$6 million, (ii) raises the aggregate amounts outstanding at any time from \$15 million to \$30 million, and (iii) removes the limit. SB 1281; CH. 576.

**§§ 2.2-5211 and 2.2-5212 amended. State pool of funds for community policy and management teams.** Expands the target population for receipt of state funds to include children requiring mental health services, provided that (i) the child is eligible for funding pursuant to subdivision A1 of § 2.2-5212; (ii) sufficient facts exist for a licensed mental health professional designated by the Family Assessment and Planning Team (FAPT) or by a juvenile court services intake officer to conclude that the child's behavior, conduct or condition presents or results in a serious threat to his well-being and physical safety, or, if he is under the age of 14, in a serious threat to the well-being and physical safety of another person; (iii) mental health services are required to prevent placement in foster care as determined and recommended by a licensed mental health professional designated by the FAPT; (iv) the FAPT indicates as a goal in the individualized family services plan that, absent the referenced mental health services, foster care is the planned arrangement for the child; (v) the mental health services are not covered by private insurance; and (vi) the child is not eligible for Medicaid upon initial evaluation of the listed criteria. This bill expands eligibility for state pool funds to include children requiring mental health services to avoid placement in foster care. This bill shall become effective only if reenacted by the 2008 Regular Session of the General Assembly. SB 1332; CH. 840 (effective - see bill).

**§ 2.2-5407 amended. Community Action Act; designation of community action agencies; rescission of designation.** Revises the process for the designation of a community action agency and for the rescission of such a designation. HB 2906; CH. 522.

**§ 2.2-5510 amended. Government Performance and Results Act; effect of the aging population on state agencies.** Requires each agency to report by November 15 of each year to the Department for the Aging its progress in addressing the impact of the aging of the population, according to guidance established by the Secretary of Health and Human Resources. The bill also requires the Department for the Aging to prepare a report summarizing the progress made by the agencies and submit such report to the Governor and the General Assembly by June 30 of the following year. HB 2624; CH. 507.

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## TITLE 2.2. MISCELLANEOUS - ADMINISTRATION OF GOVERNMENT.

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**Electronic health records.** Requires any electronic health records system or software purchased by a state agency to adhere to accepted standards for interoperability or to be certified by a recognized certification body. The bill also requires state agencies making grants available to other entities for electronic patient information or electronic health records to ensure that the systems or software adheres to accepted standards for interoperability, privacy and data exchange or has been certified by a nationally recognized certification body. HB 2198; CH. 635.

**Virginia War Memorial.** Requires the State Treasurer to advance a loan of \$3.5 million to the Department of General Services for the state share of the construction of an educational wing for the Virginia War Memorial in the form of a short-term treasury loan, with no interest, upon certification by the Secretary of Administration that \$2 million in private funds have been raised, are available, and will be used to support construction. HB 2240; CH. 66/SB 1352; CH. 580.

**Washington Metropolitan Area Transit Commission.** Provides that the Virginia member of the Washington Metropolitan Area Transit Commission will be appointed by the Governor from the Department of Motor Vehicles instead of from the State Corporation Commission. SB 1099; CH. 378.

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## TITLE 3.1. AGRICULTURE, HORTICULTURE AND FOOD.

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**§ 3.1-14.01.** See § 4.1-203; HB 2450/SB 1413.

**§ 3.1-14.4 added. Farm-to-school website.** Requires the Commissioner of Agriculture and Consumer Services to establish a website to promote Virginia farm products to educational institutions. SB 797; CH. 352.

**§ 3.1-14.4 added. Crop incentive programs.** Requires the Department of Agriculture and Consumer Services to develop a program to encourage the production of crops that can be

used as a source of biomass for energy generation and transportation, and promote aquaculture of native species within the waters of the Chesapeake Bay. SB 1407; CH. 806.

§ 3.1-22.28 amended. **Right to Farm Act.** Adds cities and towns to certain provisions of the Right to Farm Act that currently only apply to counties. HB 1823; CH. 444.

§§ 58.1-3825 and 59.1-392 amended; §§ 3.1-22.30 through 3.1-22.37 repealed. **Virginia Equine Center Foundation.** Abolishes the Virginia Equine Center Foundation located in Rockbridge County and diverts funds previously allocated to the Virginia Equine Center Foundation to the Virginia Horse Center Foundation. HB 1834; CH. 61.

§§ 3.1-106.4:1 and 15.2-924.1 added. **Local regulation of fertilizer.** Prohibits localities from regulating the registration, packaging, labeling, sale, or distribution of fertilizers. Localities are also prohibited from regulating use, application, or storage except by ordinances consistent with certain state laws. Persons aggrieved by development conditions restricting fertilizer use will have the right to bring an action against the locality. SB 1061; CH. 563.

§ 3.1-398. See § 2.2-4001; HB 2537.

§ 3.1-398. See § 2.2-4001; SB 1139.

§§ 3.1-763.5:1, 3.1-763.5:2, and 3.1-763.5:8 amended. **Shooting enclosure.** Increases the penalty for violating the provisions of the shooting enclosure laws from a Class 2 misdemeanor to a Class 1 misdemeanor. The bill empowers the State Veterinarian to seize and dispose of animals held in unlicensed shooting enclosures. The bill also makes it illegal for any person to knowingly provide livestock to an unlicensed shooting enclosure. HB 2714; CH. 298.

§ 3.1-796.85 amended. **Licensure of cats and dogs.** Exempts releasing agencies from the obligations of dog and cat licensure. HB 2296; CH. 640.

§ 3.1-796.87:1 amended. **Dog license application.** Delays until January 1, 2008, the requirement that the treasurer of a locality transmit a license application to the owner of an unlicensed, vaccinated dog. HB 2099; CH. 270.

§ 3.1-796.122 amended. **Cruelty to animals; penalty.** Makes it a Class 6 felony if any person who has been convicted of violating the animal cruelty statute is convicted within five years of the prior offense of maliciously depriving a companion animal of necessary food, drink, shelter, or emergency veterinary treatment, and either the previous or current violation has resulted in the death of an animal. HB 1900; CH. 743.

§ 3.1-949.4. See § 10.1-404; HB 3113/SB 1403.

§§ 3.1-969.7, 3.1-969.10, and 3.1-969.12 amended. **Weights and measures.** Allows the Commissioner to establish a schedule for the examination of weights and measures by service agencies. Also requires service agencies to destroy out-of-service tags after corrective action and extends the deadline for reporting to the Commissioner from 48 hours to five days. HB 2816; CH. 671.

§ 3.1-1029. See § 29.1-200; HB 1867.

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## TITLE 4.1. ALCOHOLIC BEVERAGE CONTROL ACT.

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§§ 4.1-100, 4.1-206, 4.1-231, and 4.1-233 amended. **Alcoholic beverage control; meal-assembly kitchen license.** Adds a new license for meal-assembly kitchens, defined as any commercial establishment that offers to its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment. Under the terms of the license, a licensee is authorized to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such. The bill provides for state and local license taxes. HB 1815; CH. 101.

§§ 4.1-100 and 4.1-128 amended. **Alcoholic beverage control; definition of public place.** Amends the definition of public place for the purpose of the alcoholic beverage control laws to include a sidewalk adjoining any highway, street, or lane. The bill also provides that a local governing body may adopt an ordinance regulating the possession of opened alcoholic beverage containers on a sidewalk adjoining any public street. HB 1984; CH. 454.

§§ 4.1-100, 4.1-210, 4.1-231, and 4.1-233 amended. **Alcoholic beverage control; mixed beverage licenses.** Creates a new limited mixed beverage restaurant license that authorizes the licensee to sell and serve no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such liqueur-based drinks exceed 10 percent of the total annual gross sales. The bill defines liqueur and sets the state and local license taxes for this new license. The bill contains technical amendments. HB 2637; CH. 295.

§§ 4.1-100, 4.1-207, and 4.1-231 amended. **Alcoholic beverage control; internet wine retailer license.** Creates the internet wine retailer license and specifies the privileges of this license and the applicable state license tax. The bill defines an internet wine retailer as a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where in consideration of payment, internet or telephone orders are taken and wine is shipped directly to consumers and which establishment is not a retail store open to the public. SB 984; CH. 558.

**§ 4.1-119 amended. Alcoholic beverage control; operation of government stores by agents of the Alcoholic Beverage Control Board.** Provides that the ABC Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits manufactured by the licensee at government stores established by the Board upon the distiller's licensed premises if such licensee is a duly organized nonprofit association holding title to real property, together with improvements thereon, that are significant in American history, under a charter from the Commonwealth to preserve such property, and which association accepts no federal, state, or local funds. Such agents must sell the spirits in accordance with ABC law, Board regulations, and the terms of the agency agreement between the Board and the distiller. SB 807; CH. 546.

**§ 4.1-119 amended. Alcoholic beverage control; government stores; sale of mixers.** Authorizes the Alcoholic Beverage Control Board to sell products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the ABC Board from time to time at government stores. The bill contains technical amendments. SB 1149; CH. 726.

**§§ 4.1-119 and 4.1-201 amended. Alcoholic beverage control; operation of government stores; preference for small farm wineries.** Provides that with respect to the sale of wine produced by farm wineries in government stores, the Alcoholic Beverage Control Board may give preference to farm wineries that produce 2,500 cases or less of wine per year. SB 1371; CH. 820.

**§§ 4.1-123, 4.1-126, 4.1-208, 4.1-209, 4.1-210, and 4.1-309.** See § 15.2-912.1; HB 2928.

**§ 4.1-126 amended. Alcoholic beverage control; mixed beverage licenses.** Authorizes the Alcoholic Beverage Control Board to grant a mixed beverage license to any establishment located on property consisting of at least 10,000 acres and operated as a resort located in any county with a population between 19,200 and 19,500 (Primland Resort in Patrick County). HB 2145; CH. 469.

**§ 4.1-128 amended. Alcoholic beverage control; farm wineries.** Provides that no county, city, or town shall adopt an ordinance or resolution that prohibits or regulates the storage, warehousing, or wholesaling of wine by a licensed farm winery, so long as it is done in accordance with state and federal law and ABC regulations. HB 3120; CH. 140.

**§ 4.1-201.1 amended. Alcoholic beverage control; tastings conducted by manufacturers or wholesalers.** Clarifies that the \$100 limitation on the purchase of alcoholic beverages by a manufacturer from a retail licensee for a tasting conducted by the manufacturer or wholesaler does not include taxes or gratuities. The bill caps the amount of the gratuity to 20 percent of the cost of the alcoholic beverages, including the tax. HB 1910; CH. 452/SB 1098; CH. 722.

**§§ 4.1-203, 4.1-207, 4.1-208, 4.1-223, and 4.1-231 amended;**

**§§ 3.1-14.01 and 4.1-207.1 added. Alcoholic beverage control; creates new wholesale wine license.** Creates a new restricted wholesale wine license that authorizes the licensee to provide wholesale wine distribution services to winery and farm winery licensees, provided that no more than 3,000 cases of wine produced by a winery or farm winery licensee shall be distributed by the corporation in any one year. The bill requires the Commissioner of the Department of Agriculture and Consumer Services to form a nonprofit nonstock corporation that will hold this new license to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries. The bill also allows certain licensees to deliver or ship beer or wine from one or more premises identified in the license. The bill sets the state license tax for this new license and requires the ABC Board to adopt emergency regulations to implement the provisions of the bill. HB 2450; CH. 870 (effective 4/4/07)/SB 1413; CH. 932 (effective 4/4/07).

**§§ 4.1-204, 4.1-215, 4.1-230, 4.1-231, and 4.1-310 amended; §§ 4.1-209.1 and 4.1-212.1 added; § 4.1-112.1 repealed. Alcoholic beverage control; delivery of wine and beer; permits.** Allows a brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer, after obtaining a delivery permit from the ABC Board, to deliver wine and beer to consumers. Such privilege was removed as a result of recent federal litigation challenging the constitutionality of Virginia's ABC law. The bill contains technical amendments, including relocating the existing provisions concerning direct shipment of wine and beer (§ 4.1-112.1) to the administration of licenses portion of ABC law. HB 1784; CH. 99/SB 1289; CH. 799.

**§§ 4.1-210, 4.1-231, and 4.1-233 amended. Alcoholic beverage control; mixed beverage limited caterer's license.** Creates a new mixed beverage limited caterer's license, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year. The bill authorizes the licensee to sell and serve alcoholic beverages for on-premises consumption, and the licensee must meet the required food sale ratio. The bill sets forth the state and local license taxes for this new license. The bill contains technical amendments. HB 1980; CH. 107.

**§ 4.1-210 amended. Alcoholic beverage control; mixed beverage licenses; designated areas.** Clarifies that outdoor dining areas for a mixed beverage restaurant license include such areas that have more than one means of ingress and egress to an adjacent public thoroughfare. HB 2638; CH. 126.

**§§ 4.1-222 and 4.1-225 amended. Alcoholic beverage control; refusal to grant and revocation or suspension of licenses.** Updates the various business ownership types of applicants for an ABC license, as well as those who already are licensees of the ABC Board, in the context of conducting background checks for granting a license or revoking or suspending a license. HB 1889; CH. 103.

**§ 4.1-305.** See § 19.2-80.2; HB 2858.

**§§ 4.1-328 and 4.1-329 amended; § 4.1-216.1 added. Alcoholic beverage control; interior advertising; civil penalty.** Authorizes manufacturers, their authorized vendors, or beer and wine distributors to provide licensed alcoholic beverage retailers with certain alcoholic beverage point of sale advertising materials that may be displayed in the interior of licensed retail establishments. Other point of sale advertising materials having wholesale value of \$250 per item or less may be purchased and displayed by a retail licensee provided the advertising material is not obtained from a manufacturer, its authorized vendor, or any wholesale wine or beer licensee. The measure specifies the conditions under which advertising may be used and provides a civil penalty in the event of a violation. HB 2491; CH. 494.

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## TITLE 5.1. AVIATION.

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**§ 5.1-88.2 amended. Proof of financial responsibility with respect to aircraft.** Allows proof of financial responsibility with respect to aircraft through delivery to the Department of Aviation of an irrevocable letter of credit in the amount of \$250,000. HB 2617; CH. 207.

**§ 5.1-88.7 amended. Private-use airports.** Provides that private-use airports required to be licensed by virtue of being within five miles of a licensed public-use airport shall not be required to provide proof of financial responsibility. HB 2616; CH. 206.

**§ 5.1-158.** See § 2.2-306; HB 2304/SB 1202.

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## TITLE 6.1. BANKING AND FINANCE.

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**§ 6.1-2.21 amended. CRESPA; felons as settlement agents.** Prohibits any person who has been convicted of a felony from acting as a settlement agent under the Consumer Real Estate Settlement Protection Act. However, a person who has been convicted of a felony may act as a settlement agent if he has had his civil rights restored by the Governor or has been granted a writ of actual innocence. Persons convicted of a felony involving fraud, deceit or misrepresentation are also prohibited from working for settlement agents in a capacity involving the receipt or disbursement of funds from real estate settlements. SB 745; CH. 898.

**§ 6.1-5.** See § 54.1-2820; HB 1953.

**§§ 6.1-39.3, 6.1-44.2, and 6.1-44.8 amended; §§ 6.1-232.2 and 6.1-232.3 repealed. Banks; financial activities.** Prohibits a bank from establishing or maintaining a branch in Virginia on the premises or property of an affiliate if the affiliate engages in commercial activities, which are defined as activities in which a bank holding company, a financial holding company, a national bank, or a national bank financial subsidiary may not

engage under federal law. The measure repeals provisions regarding the commercial activities of industrial loan associations and industrial loan companies. HB 1657; CH. 1 (effective 2/5/07).

**§ 6.1-225.27.** See § 13.1-801; SB 1286.

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## TITLE 8.01. CIVIL REMEDIES AND PROCEDURE.

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**§§ 8.01-20.1, 8.01-50.1, and 16.1-83.1 amended. Certification of expert witnesses; service of process; medical malpractice.** Clarifies that when the plaintiff requests service of process or requests the defendant to accept service of process, he is certifying that he has obtained an expert opinion that the defendant deviated from the applicable standard of care. The certifying expert's identity or qualifications shall not be discoverable. HB 2415; CH. 489.

**§ 8.01-35.1 amended. Effect of covenant not to sue.** Applies § 8.01-35.1 (effect of release or covenant not to sue) to all injuries to persons or property or wrongful death and removes the limiting tort language. HB 1797; CH. 443.

**§§ 16.1-69.55, 16.1-77.1, 16.1-77.2, 16.1-88.2, 16.1-107, 16.1-114.1, 16.1-122, and 55-232 amended; §§ 8.01-127, 8.01-127.1, and 16.1-92 repealed. Right to remove case to circuit court eliminated.** Eliminates the right to remove an action from the general district court to the circuit court. An appeal bond is required to be posted within 30 days of judgment except for an appeal of an unlawful detainer. Indigent persons do not have to post an appeal bond except in cases of trespass, ejection, or any action involving the recovering of rents. HB 2425; CH. 869.

**§§ 8.01-187, 8.01-345, and 8.01-346.** See § 25.1-229; HB 1800/SB 1068.

**§ 8.01-195.3 amended; §§ 8.01-226.6, 8.01-227.1, 8.01-227.2, 8.01-227.3, 8.01-418.3, and 15.2-108 repealed. "Year 2000" references.** Repeals civil liability and damage provisions that were enacted in 1999 in anticipation of "Year 2000" conversion problems. HB 1723; CH. 250.

**§ 8.01-195.6 amended; § 15.2-209 added; § 8.01-222 repealed. Notice of claim; government entity.** Changes the structure of the notice of claim against the Commonwealth or a transportation district and states that when notice is challenged under the statute, the claimant must prove receipt of notice and not just that notice was mailed. Also extends the notice of claim for tort claims to counties, cities and towns. SB 913; CH. 368.

**§§ 8.01-216.3, 8.01-216.5, 8.01-216.6, 8.01-216.9, 32.1-312, and 32.1-313 amended. Civil actions brought by private persons benefiting Commonwealth; medical payments by Commonwealth; false claims; statute of limitations.** Removes motion for judgment language and replaces it with



complaint language in actions under Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01. The bill also increases the minimum (to \$5,500) and maximum (to \$11,000) amount of a civil penalty for making a false claim to or attempting to defraud the Commonwealth. The bill also states that a violator of § 8.01-216.3 shall be liable for reasonable attorney fees and costs associated with maintaining a civil action under § 8.01-216.3. Such fees and costs are to be paid to the Attorney General's Office. The bill also includes civil actions brought by the Attorney General based on a false claim made to the Commonwealth (§ 8.01-216.4) under § 8.01-216.9, the statute promulgating the procedure for maintaining such action and the statute of limitations that would apply to such action. The bill also provides that civil fraud actions brought by the Commonwealth to recover medical payments or benefits provided directly or indirectly by the Commonwealth must be brought within six years of the date on which the violation was committed, or within three years after the fraud was discovered or reasonably should have been discovered. An action cannot be brought more than 10 years after the fraud occurred regardless of when it was discovered. SB 1183; CH. 569.

**§ 8.01-223.2 added. Immunity of citizens at public hearings.** Provides that any citizen appearing at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies and authorities thereof, and other governing bodies of any local governmental entity shall be immune from a civil liability for a violation of § 18.2-499 (willful and malicious injury to another's reputation, trade, business, or profession), or a claim of tortious interference with an existing contract or a business or contractual expectancy, arising from a citizen's statements concerning matters properly before the governing body. SB 1250; CH. 798.

**§ 8.01-225.** See § 10.1-404; HB 3113/SB 1403.

**§ 8.01-226.7 amended. Lead-based paint report; tenant.** Requires a landlord or property owner to notify the tenant in writing that the full lead-based report is available upon request. HB 1840; CH. 255.

**§ 8.01-226.8 amended. Civil immunity; recycling duties.** Provides civil immunity for public officials and private volunteers from a lawsuit by probationers who are assigned recycling duties at landfills, garbage transfer sites, and other public waste disposal systems. HB 1787; CH. 182.

**§§ 8.01-227.8, 8.01-227.9, and 8.01-227.10 added. Space Flight Liability and Immunity Act; corporate tax exemptions for space flight entities.** Grants immunity to space flight entities providing space flight activities to any participant in a suborbital flight. Space flight entities are required to distribute warning statements to all participants notifying them of their immunity from civil suit. The Act does not provide immunity from gross negligence, situations where the space flight entity has actual knowledge of a dangerous condition, or intentional injuries to the participant. The bill also provides that the provisions of the Act shall expire on July 1, 2012. HB 3184; CH. 893.

**§ 8.01-265 amended. Change of venue by court; who may bring motion.** Allows any party to move the court for a change of venue and any party to oppose such motion. Also states that the standard of good cause shown for such motion shall include an attempt to comply with the laws of another state or the United States. HB 1922; CH. 105.

**§ 8.01-324 amended. Legal notices or publications; newspapers.** Provides that a newspaper that does not have a second-class mailing permit does not need to have a bona fide list of paying subscribers before the circuit court for the jurisdiction in which the newspaper is located can grant the authority for the newspaper to publish ordinances, resolutions, notices, or advertisements required by law to be published in a newspaper. Currently, such newspapers are required to have a bona fide list of paying subscribers before such authority can be granted. HB 1899; CH. 183/SB 970; CH. 603.

**§ 8.01-328.1 amended. Civil remedies; when personal jurisdiction over person may be exercised.** Grants personal jurisdiction over a nonresident in all cases in which a local tax, fine, penalty, interest, or similar charge is owed by the nonresident. Currently, the "long-arm" statute establishes jurisdiction over a nonresident who has incurred a tangible personal property tax liability. HB 3127; CH. 533.

**§ 8.01-335 amended. Discontinuance for failure to serve process.** Provides that a court may order that an action be discontinued if process has not been served within one year. The clerk of the court shall give notice to the plaintiff 30 days before ordering the discontinuance to provide him an opportunity to show that service was timely effected or that due diligence was exercised to have service timely effected. If such a showing is made, the case will remain on the court's docket. This bill shall not apply to asbestos litigation. HB 2521; CH. 498.

**§ 8.01-380 amended. Nonsuits; notice required.** Provides that in addition to the first nonsuit that may be taken as a matter of right, the court may allow additional nonsuits in a cause of action upon reasonable notice to counsel of record for all defendants and upon a reasonable attempt to notify any unrepresented party. Currently, there is no requirement that such notice be provided if a court chooses to allow additional nonsuits. The bill also provides that, when suffering a nonsuit, the party shall inform the court if the cause of action has been previously nonsuited. A court order allowing an additional nonsuit shall indicate the number and dates of any previous nonsuits as well as the court in which any previous nonsuit was taken. As introduced, this was a recommendation of the Boyd-Graves Conference. HB 1735; CH. 179/SB 911; CH. 367.

**§ 8.01-404 amended. Contradiction of witness; extrajudicial recordings.** Excepts recordings made at the time of the wrongful act or negligence from those extrajudicial statements that cannot be used to contradict a witness. SB 912; CH. 598.

**§ 8.01-407 amended. Civil remedies; subpoena served upon judicial officer.** Provides that any subpoena that is served less than five calendar days before appearance is required has no le-

gal force or effect, unless it was issued by a judge, when it is served upon any judicial officer, including judges, court clerks, magistrates, or other persons having the power to issue warrants, who is generally incompetent to testify. HB 2419; CH. 199.

§ 8.01-449. See § 2.2-3703; HB 2062/SB 824.

§ 8.01-470 amended. **Writ to recover property; posting on door.** Allows the sheriff, in cases of unlawful entry and detainer and of ejection, to post a copy of a writ on judgment to recover specific property on a party's door to effectuate service of process. HB 2659; CH. 128.

§§ 8.01-512.4 and 20-108.1 amended. **Garnishment; child support payments.** Provides that child support payments, whether current or arrears, received by a parent for the benefit of and owed to a child in his custody are not subject to garnishment. This bill does not affect the ability to garnish the income of a child support obligor. A depository wherein child support payments have been deposited has no obligation to determine what portion of the deposits are subject to garnishment. HB 2528; CH. 872.

§ 8.01-581.17 amended. **Privileged communications; physician peer review and physician accreditation entities.** Clarifies that privilege attaches to the proceedings, minutes, records, and reports of a quality assurance, quality of care, or peer review committee of a national or state physician peer review entity or physician accreditation entity. HB 3090; CH. 530.

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## TITLE 9.1. COMMONWEALTH PUBLIC SAFETY.

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§§ 9.1-101, 9.1-400, 9.1-500, and 9.1-801. See § 29.1-200; HB 1867.

§ 9.1-112 amended. **Criminal Justice Services Board; Committee on Training.** Adds the active-duty law-enforcement officer representing police and fraternal organizations on the Criminal Justice Services Board to the Board's Committee on Training. This increases the membership of the Committee on Training from 13 to 14 members. HB 3117; CH. 228.

§ 9.1-126 amended. **Criminal history; reporting.** Provides that a criminal justice agency is not required to collect, maintain or update criminal history record information, as defined in § 9.1-101, when such information is already available and readily accessible from another criminal justice agency, except where the criminal justice agency already has a statutory duty to collect, maintain or update such information. SB 1298; CH. 389.

§§ 9.1-173 through 9.1-183, 9.1-185.4, and 9.1-186.4. See § 19.2-80.2; HB 2858.

§ 9.1-176.1. See § 19.2-303; HB 3034.

§§ 9.1-185 and 9.1-185.8 amended. **Department of Criminal Justice Services; bail bondsmen.** Adds a definition of agent as a person licensed as a bail bondsman who has been given a power of attorney to act on behalf of a licensed property bail bondsman. The bill also provides that a property bail bondsman shall not enter into any bond if the aggregate of the penalty of such bond and all other bonds, on which he has not been released from liability, is in excess of four times the true market value of the equity in his real estate, cash, or certificates of deposit issued by a federally insured institution, or any combination thereof. HB 3208; CH. 708.

§§ 9.1-201, 27-61, 27-97, 27-97.2, 27-99, 36-139, and 38.2-401 amended; §§ 9.1-206, 9.1-207, and 9.1-208 added; §§ 36-139.2, 36-139.3, and 36-139.4 repealed. **Office of the State Fire Marshal.** Transfers the enforcement of the Statewide Fire Prevention Code from the Department of Housing and Community Development to the Department of Fire Programs under the Fire Services Board. The bill also provides for the State Fire Marshal to be employed by the Director of the Department of Fire Programs rather than the Director of the Department of Housing and Community Development. Under the bill, the promulgation of the Statewide Fire Prevention Code remains with the Board of Housing and Community Development. HB 2356; CH. 647 (effective 7/1/08)/SB 1132; CH. 741 (effective 7/1/08).

§ 9.1-202 amended. **Virginia State Firefighter's Association; establishment.** Clarifies that the Virginia State Firemen's Association, which was created as a body corporate and politic in 1896, is currently known as the Virginia State Firefighter's Association and that the organization in its current form should continue as a body corporate and politic. The bill also sets forth the purpose of the Association and its powers. SB 1090; CH. 96.

§ 9.1-403. See § 51.1-1132; HB 2557.

§ 9.1-500 amended. **Law-Enforcement Officers Procedural Guarantee Act.** Adds law-enforcement officers employed by the Department of Conservation and Recreation to the list of those officers covered by the Law-Enforcement Officers Procedural Guarantee Act. SB 896; CH. 364.

§ 9.1-901 amended. **Sex offender registry; not guilty by reason of insanity.** Provides that defendants found not guilty by reason of insanity or in the custody of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, or on conditional release because of a finding of not guilty by reason of insanity on or after July 1, 2007, for an offense requiring registration in the Sex Offender and Crimes Against Minors Registry must register. HB 1923; CH. 744.

§§ 9.1-901, 9.1-902, 9.1-903, 9.1-907, 9.1-908, 9.1-910, and 18.2-63 amended. **Sex Offender Registry; penalties.** Clarifies that a person convicted of attempt or conspiracy to commit a registerable offense must register. The bill makes a first offense (currently a second offense) of production, publication, sale, possession with intent to distribute, and financing of sexually explicit visual material involving children a sexually

violent offense. Federal convictions for sex trafficking are added as sexually violent offenses. Persons required to register will have to provide palm prints and vehicle registration information for any vehicle they own. Failure to reregister in person within three days following any change in vehicle registration information will be a Class 6 felony.

Persons who do not have a continuing duty to register for life must petition the court in order to be relieved of the duty to register. In addition to the current requirement that a petition may not be filed for 10 years after initial registration or a conviction for failure to register, the bill adds that a person may not file a petition for 10 years after conviction of any felony, and that a petition may not be filed until all court-ordered treatment, counseling, and restitution is completed. The court must obtain a copy of the petitioner's complete criminal history and registration history and the Commonwealth must be made a party to the action. SB 1065; CH. 718.

§ 9.1-902. See § 18.2-67.4:2; HB 2068.

§§ 9.1-902, 9.1-903, 9.1-904, and 9.1-912. See § 18.2-374.1; HB 2749/SB 1071.

§ 9.1-914. See § 32.1-127; HB 2345/SB 1229.

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## TITLE 10.1. CONSERVATION.

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§ 10.1-104 amended. **State park regulations.** Reduces the penalty for violating Virginia state park regulations from a Class 1 misdemeanor to a Class 3 misdemeanor. HB 2143; CH.632.

§ 10.1-113 amended. **Sale of trees and timber.** Places the proceeds from the sale of the timber and trees taken from (i) state park lands into the State Park Conservation Resources Fund and (ii) natural area preserves into the Natural Area Preservation Fund. The bill also requires competitive bids when the appraised value of the trees is more than \$50,000. Currently, the threshold for competitive bidding is \$10,000. SB 1115; CH. 158.

§ 10.1-119. See § 2.2-507; SB 894.

§§ 10.1-202, 10.1-642, 10.1-1193, 10.1-2127, and 10.1-2134. See § 2.2-220; HB 2229.

§§ 2.2-3705.7, 2.2-4006, 2.2-4007, 2.2-4013, 2.2-4014, 2.2-4015, 2.2-4021, 3.1-949.4, 8.01-225, 10.1-404, 10.1-559.2, 10.1-1182, 10.1-1185, 10.1-1186, 10.1-1186.2, 10.1-1186.2:1, 10.1-1186.4, 10.1-1187.1, 10.1-1187.3, 10.1-1187.6, 10.1-1197.3, 10.1-1232, 10.1-1234, 10.1-1236, 10.1-1300, 10.1-1306, 10.1-1307, 10.1-1307.01, 10.1-1307.2, 10.1-1307.3, 10.1-1308, 10.1-1309, 10.1-1309.1, 10.1-1310, 10.1-1310.1, 10.1-1311, 10.1-1312, 10.1-1314, 10.1-1314.1, 10.1-1315, 10.1-1316, 10.1-1318, 10.1-1320, 10.1-1320.1, 10.1-1321, 10.1-1322, 10.1-1322.4, 10.1-1323, 10.1-1328, 10.1-1400, 10.1-1402, 10.1-1402.01, 10.1-1402.1, 10.1-1402.2, 10.1-1405, 10.1-1408.5, 10.1-1425.23, 10.1-1427, 10.1-1431, 10.1-1432,

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of the Director of the Department of Environmental Quality and to recommend reconsideration by the Director. The bills include a "re-enactment clause" that requires the General Assembly of 2008 to reaffirm the legislation. HB 3113; CH. 838 (effective - see bill)/SB 1403; CH. 841 (effective - see bill).

**§ 10.1-411 amended. Scenic River.** Designates additional portions of Goose Creek in Fauquier and Loudoun Counties as segments of the Goose Creek State Scenic River. HB 2396; CH. 650.

**§ 10.1-562 amended. Violation of erosion and sediment control ordinances.** Allows localities to adopt an ordinance that assesses a civil penalty between \$100 and \$1,000 for violation of erosion and sediment control laws. The bills also increase the cap on civil penalties from \$3,000 to \$10,000. HB 2568; CH. 204/SB 821; CH. 51.

**§ 10.1-1020 amended. Virginia Land Conservation Fund disbursements.** Establishes a threshold that determines how the unrestricted funds in the Virginia Land Conservation Fund will be expended. If, by September, the new deposits in the Fund are less than \$10 million, 25% of the money in the Fund is allocated to the Open-Space Land Preservation Trust Fund (OSLPTF) and 75% is disbursed in the form of grants equally among the following four uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmlands and forest preservation, and historic area preservation. If the Fund contains \$10 million or more, the OSLPTF receives 25% of the money in the Fund and the remaining funds are awarded equally in the form of grants among five uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmland preservation, forestland conservation, and historic area preservation. Any OSLPTF funds not disbursed or committed to a project by the end of the fiscal year reverts to the Virginia Land Conservation Fund to be redistributed among the authorized uses. HB 2825; CH. 673/SB 942; CH. 77.

**§ 10.1-1027 added. Wild Spanish Mustangs Fund.** Establishes a fund to protect the last known herd of Spanish mustangs, which roams on the barrier islands of Virginia and North Carolina. The fund will be administered by the Department of Conservation and Recreation, with input from the manager of False Cape State Park and community leaders from the Virginia Beach area, and will pay for such needs as erecting fences to prevent the horses from entering populated areas in Virginia and possibly being killed on Virginia roads and transporting the horses safely back to the Currituck National Wildlife Refuge. HB 2012; CH. 37.

**§ 10.1-1107 amended. Revenue from state forests.** Designates one-eighth of the proceeds generated by the state forests in the Counties of Appomattox, Buckingham, and Cumberland to be disbursed to those counties, and one-eighth to be expended by the Department of Forestry, in consultation with these counties, to enhance recreational opportunities in the state forests located in the three counties. HB 3135; CH. 689.

**§§ 10.1-1152, 10.1-1156, and 17.1-275 amended;**

**§§ 10.1-1154 and 10.1-1155 repealed. State forests permits.** Authorizes the Department of Game and Inland Fisheries, under a cooperative agreement with the Department of Forestry, to sell permits for hunting and trapping in state forests. The bill also removes obsolete sections that give the clerks of courts the authority to sell such permits. HB 2339; CH. 646.

**§ 10.1-1186.01 added. Virginia Public Building Authority; water treatment.** Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$250 million for grants to be used solely for the purpose of funding the installation of nutrient removal technologies at specified publicly owned treatment works and nonsignificant discharges to implement the Commonwealth's Chesapeake Bay Tributary Strategies. HB 1710; CH. 851/SB 771; CH. 900.

**§ 10.1-1188.** See § 58.1-605; HB 3202.

**§ 10.1-1307.3 amended. Methods to determine opacity.** Authorizes the Executive Director of the Department of Environmental Quality or his representative to use various methods to determine whether opacity requirements or opacity limits for air quality are being met. SB 925; CH. 148.

**§ 10.1-1408.1 amended; §§ 10.1-1408.3 and 10.1-1454.3 repealed. Regulation of municipal solid waste.** Repeals two provisions of the solid waste laws enacted in 1999 that were subsequently found to be unconstitutional by the federal court. The bill repeals the authority of the Solid Waste Management Board to develop regulations governing the commercial transport of nonhazardous municipal solid waste by truck. This section was declared unconstitutional because it imposed certain requirements on large trucks carrying solid waste that violated the commerce clause. The federal court found that the statute placed "disproportionate burdens" on trucks carrying waste from outside of Virginia. The second provision found to be unconstitutional under the commerce clause was the 2,000 tons per day cap placed on landfills for accepting municipal solid waste. This is a recommendation of the Virginia Code Commission. HB 1689; CH. 23.

**§ 10.1-1408.5.** See § 62.1-44.3; HB 2539.

**§ 10.1-1408.5.** See § 15.2-912.1; HB 2928.

**§ 10.1-2117.** See § 32.1-163; SB 1270.

**§ 10.1-2211.1 amended. Disbursement of funds appropriated for caring for Revolutionary War cemeteries and graves.** Provides that the number of grave sites located at New Providence Presbyterian Church that are eligible for funding under § 10.1-2211.1 of the Code be increased to 16. HB 3192; CH. 349.

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## TITLE 10.1. MISCELLANEOUS - CONSERVATION.

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**Landfill postclosure document.** Requires the Department of Environmental Quality to develop a postclosure guidance document for those landfills that stopped taking solid waste prior to October 9, 1993. The document is to be developed by May 1, 2007, and has to include comments made by the public. HB 3133; CH. 688 (effective 3/20/07).

**Department of Conservation and Recreation, Lessor.** Authorizes lease of certain land within First Landing State Park to the City of Virginia Beach, Lessee. HB 3151; CH. 690/SB 1418; CH. 174.

**Conveyance of George Washington's Grist Mill State Park.** Specifies that the George Washington's Grist Mill State Park property that the Department of Conservation and Recreation is authorized, pursuant to legislation enacted in 1996 and amended in 1997, to convey to the Mount Vernon Ladies' Association of the Union, Inc., includes parcels that were conveyed to the Department of Conservation and Recreation in 2001. SB 963; CH. 54.

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## TITLE 11. CONTRACTS.

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**§§ 11-9.1, 11-9.6, and 37.2-1018 amended. Duties and liabilities of a holder of a power of attorney.** States that a holder of any power of attorney has a fiduciary relationship with the subject of the power of attorney and may be held liable for any breach of that fiduciary duty. The bill also expands the financial accounting requirement for a holder of the power of attorney from two years prior to the request to five years. The bill also provides that if the holder of the power of attorney is removed from his position by the court due to abuse, neglect, or exploitation of the principal, the holder of the power of attorney shall bear the costs and fees associated with the performance of his duties. HB 2864; CH. 520.

**§§ 11-9.6 and 37.2-1018 amended. Attorneys-in-fact; death of principal.** Clarifies that challenges may be made to actions of an attorney-in-fact and that discovery may be obtained after the death of the principal by a person who was interested in the welfare of the principal, including the personal representative of the estate of the deceased principal. This bill is a recommendation of the Boyd Graves Conference. SB 1235; CH. 385.

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## TITLE 12.1. STATE CORPORATION COMMISSION.

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**§ 12.1-21.1 amended. State Corporation Commission; fees.** Provides that the fee for providing copies of a Uniform Commercial Code record is \$0.50 per page regardless of the number of pages, and increases the fee for providing a certified copy of a Uniform Commercial Code record from \$1 to \$3. SB 1005; CH. 239.

**§ 12.1-43.** See § 50-73.1; HB 2142.

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## TITLE 13.1. CORPORATIONS.

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**§ 13.1-504 amended. Securities Act; employment of agents.** Authorizes the State Corporation Commission to prescribe exceptions, by rule or regulation, to the current prohibition on the employment of an agent by more than one broker-dealer or issuer. HB 2024; CH. 458.

**§ 13.1-514 amended. Securities Act; exemptions.** Clarifies that offers of a security for which registration statements under Virginia's Securities Act and the federal Securities Act of 1933 have been filed are exempt from the Securities Act only for periods that the registration statements are not effective. HB 2023; CH. 457.

**§§ 13.1-553 and 13.1-1118 amended. Professional corporations and professional limited liability companies.** Authorizes the board of directors of a professional corporation to delegate managerial duties and tasks related to the corporation's operations to its agents, officers, and employees and, pursuant to an agreement, to other persons. An analogous amendment allows members or managers of a professional limited liability company to do likewise. HB 2103; CH. 629.

**§§ 13.1-559, 13.1-560, 13.1-561, 13.1-562, and 13.1-572 amended. Retail Franchising Act.** Authorizes the State Corporation Commission to require, as a condition of franchise registration, that the franchise fees and other funds paid by a franchisee to the franchisor be escrowed or deferred until the franchisor's preopening obligations are fulfilled, if the liabilities of the franchisor or any controlling person exceed the franchisor's assets. The Commission is required to prescribe procedures regarding exemptions. The measure also clarifies that it is not unlawful for a person to grant an unregistered franchise if the franchise is exempted from registration by the Commission by rule or order. HB 2786; CH. 668.

**§§ 13.1-603, 13.1-607, 13.1-610, 13.1-654, 13.1-656, 13.1-657, 13.1-666, 13.1-669, 13.1-672.1, 13.1-677, 13.1-679, 13.1-682, 13.1-704, 13.1-711, 13.1-718, 13.1-729, 13.1-730, 13.1-732, 13.1-733, 13.1-734, 13.1-735.1, 13.1-737, 13.1-738, 13.1-746, 13.1-746.1, 13.1-747, 13.1-748, 13.1-749.1 amended;**

§§ **13.1-610.1, 13.1-672.6, and 13.1-741.1 added. Virginia Stock Corporation Act.** Authorizes circuit courts to appoint a custodian or receiver for a public corporation in proceedings where the directors are deadlocked or are acting fraudulently and causing irreparable injury to the corporation. The measure establishes requirements regarding approval of interested transactions involving the acquisition or conversion of shares or assets of the corporation by a person who is the beneficial owner of 20% or more of the voting power or otherwise is an interested person. Other provisions (i) modify the requirements for taking corporate actions without meetings, with the consent of shareholders; (ii) authorize corporations to engage in "householding," where one copy of notices, reports, and statements are provided for all of shareholders who share a common address, with the consent of each shareholder at the address; (iii) address giving notice of appraisal rights that may be available when certain corporate actions are proposed; and (iv) establish limitations on the ability of shareholders to contest certain fundamental transactions after shareholders have approved the corporate action. SB 1285; CH. 165.

§§ **13.1-615, 13.1-615.1, 13.1-616, 13.1-815, 13.1-815.1, 13.1-1005, 13.1-1065, 13.1-1252, 13.1-1255, 50-73.67, and 50-73.70 amended. State Corporation Commission; annual registration and filing fees.** Clarifies that articles of domestication shall not be filed for a foreign stock or nonstock corporation, limited liability company, or business trust until all fees, including the annual registration fee, are paid. The measure also allows business entity documents to be filed without payment of the annual registration fee on or before, rather than prior to, the due date of the annual registration fee; moves the due date for the payment of an annual registration fee for a business trust or limited partnership from September 1 to October 1; and makes other technical amendments. HB 2603; CH. 810.

§§ **13.1-616, 13.1-816, 13.1-1067, 13.1-1204, 50-73.17, and 50-73.83 amended; §§ 13.1-781, 13.1-945, 13.1-1285, 50-73.76:1, and 50-73.150 added; §§ 13.1-633, 13.1-832, and 50-73.130 repealed. State Corporation Commission; property title records.** Makes uniform the provisions in the various business entity statutes that relate to the recordation of certificates in circuit court deed books to maintain the continuity of title records. The measure also makes \$6 the standard fee for the State Corporation Commission's issuance of certificates of fact in the various business entity acts and makes technical amendments intended to clarify and conform business entity statutes. SB 866; CH. 771.

§§ **6.1-225.27, 13.1-801 through 13.1-804, 13.1-806 through 13.1-810, 13.1-811, 13.1-812, 13.1-813, 13.1-815, 13.1-815.1, 13.1-816, 13.1-819, 13.1-820, 13.1-822 through 13.1-844, 13.1-845, 13.1-846, 13.1-847, 13.1-848, 13.1-849, 13.1-850, 13.1-852, 13.1-852.1, 13.1-853, 13.1-854, 13.1-855, 13.1-857 through 13.1-862, 13.1-864 through 13.1-871, 13.1-872, 13.1-874 through 13.1-876, 13.1-878, 13.1-879.1 through 13.1-883, 13.1-885, 13.1-886, 13.1-887.1, 13.1-888, 13.1-889, 13.1-891, 13.1-892, 13.1-893, 13.1-894 through 13.1-897, 13.1-898.2 through 13.1-900, 13.1-902, 13.1-904, 13.1-906,**

**13.1-907, 13.1-908, 13.1-909 through 13.1-917, 13.1-919 through 13.1-928.1, 13.1-929 through 13.1-934, 13.1-936, 13.1-936.1, 13.1-939, and 55-532 amended; §§ 13.1-804.1, 13.1-810.1, 13.1-844.1, 13.1-847.1, 13.1-852.2, 13.1-871.1, 13.1-893.1, 13.1-897.1, 13.1-908.1, 13.1-908.2, 13.1-908.3, and 13.1-935.1 added; §§ 13.1-890, 13.1-898, and 13.1-898.1 repealed. Virginia Nonstock Corporation Act.** Updates the Virginia Nonstock Corporation Act to make several provisions consistent with changes to the Virginia Stock Corporation Act that were enacted in 2005, based upon recent amendments to the Model Business Corporation Act. Specific areas of substantive change include setting forth procedures for the approval of a business opportunity; defining "disinterested director"; permitting several corporate actions to be taken electronically; updating provisions regarding member voting and elections; indemnifying directors and officers; streamlining the process for combining corporations with other types of business entities; asserting claims against dissolved corporations; and confirming that provisions in corporate documents filed with the State Corporation Commission may be made dependent on statistical or market indices or other objectively ascertainable facts. SB 1286; CH. 925.

§§ **13.1-1002, 13.1-1020, 13.1-1123, and 58.1-811 amended. Limited liability companies; parties to actions, professional entities and recordation tax.** Clarifies that a member of a limited liability company is not barred from being a party in an action against a limited liability company when the member has an interest in the action independent of being a member of the limited liability company. The measure also provides that (i) the terms of a limited liability company's articles of organization or operating agreement cannot alter the definition of "membership interest" as a member's share of the profits and the losses of the limited liability company and the right to receive distributions of the limited liability company's assets and (ii) the term "professional corporation" shall not be deemed to include a professional limited liability company when it is used in any section of the Virginia Professional Limited Liability Company Act or in Chapter 7 of Title 13.1, which pertains to professional corporations. Finally, the measure provides that the state recordation tax levied on every deed admitted to record and on every contract or memorandum thereof relating to real or personal property admitted to record shall not apply to any deed conveying real estate or lease of real estate to the surviving or new limited partnership or business trust upon a merger to which two or more business entities are parties. HB 2292; CH. 639/SB 794; CH. 233.

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## TITLE 15.2. COUNTIES, CITIES AND TOWNS.

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§ 15.2-108. See § 8.01-195.3; HB 1723.

§ 15.2-209. See § 8.01-195.6; SB 913.

**§ 15.2-502 amended. County executive form of government; boards of supervisors; powers, elections, terms, and vacancies.** Amends a provision applicable to Prince William County and the filling of a vacancy in the board. When a vacancy occurs just prior to a general election so that the special election to fill the vacancy cannot be held at that general election, the bill provides that the court shall order a special election to fill that vacancy not fewer than 45 and not more than 60 days after that general election. HB 2050; CH. 268.

**§ 15.2-542 added. Housing assistance.** Allows counties with the county executive form of government (Albemarle and Prince William) to provide for the use of funds, other than state funds, to provide grants, loans, and other assistance for county and school board employees, as well as employees of local constitutional officers, to purchase or rent residences, for use as the employee's principal residence, within the county. HB 2446; CH. 288/SB 1387; CH. 582.

**§§ 4.1-123, 4.1-126, 4.1-208, 4.1-209, 4.1-210, 4.1-309, 10.1-1408.5, 15.2-912.1, 15.2-930, 15.2-931, 15.2-958.1, 15.2-961, 15.2-1124, 15.2-1131, 15.2-1220, 15.2-1508.4, 15.2-1638, 15.2-2007.1, 15.2-2109, 15.2-2157.1, 15.2-2204, 15.2-2220, 15.2-2242, 15.2-2263, 15.2-2291, 15.2-2303.1, 15.2-2308, 15.2-2403, 15.2-2404, 15.2-2406, 15.2-3830, 15.2-4402, 15.2-4407, 15.2-5114, 15.2-5115, 15.2-5136, 15.2-5204, 15.2-5307, 16.1-118.1, 16.1-309.3, 17.1-273, 18.2-287.4, 19.2-250, 21-118.2, 21-119, 22.1-118, 22.1-129, 24.2-112, 27-23.1, 29.1-514, 29.1-748.1, 29.1-749.2, 33.1-41.1, 33.1-44, 33.1-225, 44-146.40, 46.2-752, 46.2-873, 46.2-874.1, 46.2-924, 46.2-932, 46.2-1094, 46.2-1216, 46.2-1304, 46.2-2080, 46.2-2099.21, 46.2-2099.41, 56-15, 56-265.1, 58.1-540, 58.1-811, 58.1-3237.1, 58.1-3257, 58.1-3292.1, 58.1-3381, 58.1-3506.2, 58.1-3818, 59.1-148.3, 59.1-284.13, 59.1-284.14, and 59.1-284.15 amended. Population brackets.** Replaces population brackets and other descriptions found in the Code of Virginia with locality names. This bill is a recommendation of the Code Commission. HB 2928; CH. 813.

**§ 15.2-915.3.** See § 18.2-308; HB 2106.

**§ 15.2-922.1 added; § 15.2-1118 repealed. Making of fires.** Authorizes counties to regulate or prohibit the making of fires in public places and, during emergency, on private property. Existing language related to cities and towns is moved to this section without change. HB 1860; CH. 256.

**§§ 15.2-924, 15.2-2111, and 15.2-5101.** See § 10.1-404; HB 3113/SB 1403.

**§ 15.2-924.1.** See § 3.1-106.4:1; SB 1061.

**§ 15.2-953 amended. Donations by localities.** Provides that localities may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth. HB 2298; CH. 641/SB 868; CH. 592.

**§ 15.2-953 amended. Donations made by a locality.** Expands the definition of "donations" to include the lawful provision of

in-kind resources for any event sponsored by the donee. HB 2502; CH. 292.

**§ 15.2-958.2 amended. Grants for home ownership.** Raises from \$5,000 to \$25,000 the amount that localities may provide for home ownership grants for certain local government employees. Any such grants shall be subject to certain sales price and income limitations. HB 2834; CH. 674.

**§ 15.2-958.2 amended. Grants for home ownership.** Deletes the requirement that a separate ordinance be passed for each home ownership grant. SB 1292; CH. 578.

**§ 15.2-968.1 added. Traffic signal enforcement programs; civil penalty.** Grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time. Provisions within the bill limit the use and retention of images recorded and provide other parameters and limitations for localities. HB 1778; CH. 836.

**§ 15.2-968.1 added. Traffic signal enforcement programs; civil penalty.** Grants localities the authority to operate traffic signal enforcement systems. Generally, localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time, except that, in Northern Virginia (Planning District 8), traffic light signal photo-monitoring systems may be installed at no more than 10 intersections in any locality, regardless of population. Provisions within the bill limit the use and retention of recorded images and provide other parameters and limitations for localities. provided, however, that within planning District 8, each study locality may install and operate within each county, city, or town, whichever is greater, at any one time. SB 829; CH. 903.

**§ 15.2-976 added. FEMA floodplain map; notification of changes.** Provides that any locality notified by the United States Federal Emergency Management Agency (FEMA) that a change in the FEMA floodplain map concerns or relates to real property within the locality shall provide to each owner of any such property (i) written notification of such change and (ii) contact information for the National Flood Insurance Program. HB 2729; CH. 211.

**§ 15.2-1129.1 amended. Arts and cultural districts.** Adds the Town of Blacksburg to those localities that may by ordinance establish within their boundaries an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. Each locality may provide incentives for the support and creation of arts and cultural venues in the district. HB 1767; CH. 251.

**§ 15.2-1129.1 amended. Arts and cultural districts.** Adds the City of Alexandria to those localities authorized to establish an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. The locality may provide incentives for the support and creation of arts and cultural venues in the district, including tax incentives and certain regulatory flexibility. HB 2267; CH. 280/SB 933; CH. 236.

§ 15.2-1129.2 added. **Economic revitalization zone.** Allows any city, by ordinance, to establish one or more economic revitalization zones for the purpose of providing incentives to private entities to purchase real property and interests in real property to assemble parcels suitable for economic development. Each city establishing an economic revitalization zone may grant tax incentives and provide regulatory flexibility. Properties that are acquired through the use of eminent domain shall not be eligible for the incentives and regulatory flexibility provided by the ordinance. HB 1974; CH. 262.

§§ 15.2-1133 and 23-155.05 added. **Purchase of electric power and energy.** Provides that Virginia Tech and any municipal corporation that owned and operated an electric utility system on January 1, 2006, may contract with any other party to buy power and energy required for its present or future requirements, including the capacity and output of one or more specified projects located in the continental United States of America. HB 2799; CH. 670/SB 1306; CH. 612.

§ 15.2-1209.1 amended. **Regulation of firearms by counties; hunting.** Amends existing provisions related to regulation of firearms along public highways by clarifying that the provisions apply to hunting. HB 2547; CH. 203.

§ 15.2-1415. See § 2.2-3112; SB 1400.

§§ 15.2-1420 and 15.2-1421 amended. **Local governing body tie breakers.** Eliminates the use of an unelected person to break tie votes of a county governing body. The option of an elected tie breaker remains. HB 3141; CH. 833.

§ 15.2-1510.1 amended. **Severance benefits to local officials.** Requires that any severance benefits provided to any departing official appointed by a local school board shall be publicly announced by that school board prior to such departure. HB 1862; CH. 257.

§ 15.2-1511.1 added. **Local employees; right to receive certain benefit information in writing.** Requires localities to provide information about relevant benefit options and programs in writing to any local employee who develops a life-threatening health condition. The employer shall provide appropriate forms to the employee so that the employee can communicate any election of benefit options to the employer in writing on the forms. HB 2764; CH. 333.

§ 15.2-1517 amended. **Insurance for retired employees of localities.** Removes an exception for certain localities regarding the provision of group accident and health insurance to retired officers and employees. SB 959; CH. 150.

§§ 15.2-1544 through 15.2-1549 added. **Local trusts for providing postemployment public benefits.** Provides that counties, cities, towns, school divisions, and certain political subdivisions may establish local trusts or equivalent arrangements to fund postemployment benefits other than pensions. SB 789; CH. 710.

§§ 15.2-1629 and 15.2-1631 amended. **Attorneys for the Commonwealth.** Provides that the Compensation Board shall prepare a list of localities eligible to have a full-time attorney

for the Commonwealth and shall prioritize the list according to the same workload measures used by the Compensation Board in staffing standards established for assistant attorney for the Commonwealth positions in Commonwealth's Attorneys' offices statewide. HB 2859; CH. 417.

§§ 15.2-1704 and 15.2-1727 amended. **Powers and duties of police.** Expands the authority of police in civil matters by granting authority to deliver, serve, execute, and enforce certain orders of isolation and quarantine and emergency custody orders. The bill also provides that parties responding to a reciprocal agreement for mutual aid between localities shall be liable to third parties only to the extent permitted under and in accordance with the laws of the state of the party rendering aid. SB 1121; CH. 724.

§ 15.2-1718.1. See § 52-34.4; HB 2372/SB 1117.

§§ 15.2-1800, 15.2-1814, and 15.2-1900. See § 1-237.1; HB 2954/SB 781/SB 1296.

§ 15.2-2118 amended. **Lien for water and sewer charges.** Adds the Town of Blacksburg to those localities that may provide that charges imposed for water or sewers shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property. HB 3039; CH. 886/SB 1050; CH. 152.

§ 15.2-2146. See § 32.1-167; HB 2366/SB 998.

§ 15.2-2157. See § 32.1-163; SB 1270.

§ 15.2-2157.1 amended. **Permit for onsite sewage disposal system installation in Augusta County.** Provides that Augusta County may require any person desiring to install an onsite sewage disposal system to secure a permit to do so. The county may prescribe a reasonable fee, not to exceed \$150, for processing an application for such a permit. HB 2791; CH. 880/SB 1215; CH. 920.

§§ 15.2-2202, 15.2-2204, 15.2-2223, 15.2-2224, and 56-46.1 amended. **Approval of transmission lines; affect on the legal status of comprehensive plans and local zoning ordinances.** Requires that certain utilities receive notice of comprehensive plan amendments affecting electrical transmission lines. Also, provisions related to electrical transmission line corridors are added to the comprehensive plan enabling statute and to State Corporation Commission provisions. HB 3031; CH. 761.

§ 15.2-2222.1 amended. **Local highway improvement projects; VDOT fees.** Limits fees charged by VDOT for review of local highway improvement applications, plans, and plats to no more than \$1,000 for each review. SB 1200; CH. 792.

§§ 15.2-2223.1, 15.2-2317 through 15.2-2329, 15.2-2403,



**15.2-2403.1, 15.2-4838.1, 15.2-4839, and 15.2-4840.** See § 58.1-605; HB 3202.

**§ 15.2-2232 amended. Public utility facilities; comprehensive plans.** Amends provisions pertaining to comprehensive plans by localities and underground natural gas or underground electric distribution facilities of a public facility. Under current law, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under other provisions of general law, no public utility facility or public service corporation facility shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. This bill exempts an underground natural gas or underground electric distribution facility of a public utility from the foregoing measure. SB 1351; CH. 801.

**§ 15.2-2241.1 added. Bonding requirements; facilities dedicated for public use.** Provides that a governing body of a locality shall not require a developer to furnish a bond for the estimated cost of construction of facilities to be dedicated for public use until construction plans are submitted for the section in which such facilities are to be located. HB 3011; CH. 420.

**§ 15.2-2244.1 amended. Subdivision of a lot for conveyance to a family member.** Amends the statute that authorizes localities to provide an additional method for subdivision of a lot for conveyance to a family member. Under current law, the property owner must agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. The bill provides that a locality may reduce or provide exceptions to such period of years when changed circumstances so require. However, upon such modification of a restrictive covenant, a locality shall execute a writing reflecting such modification, which writing shall be recorded in accordance with § 17.1-227 (relating to documents recorded in deed books). HB 1968; CH. 856.

**§§ 15.2-2259, 15.2-2260, and 15.2-2269 amended. Authority to review subdivision plats.** Requires a local planning commission or other agent of a locality to forward a plat to the appropriate state agency or agencies for review within 10 business days if approval of a feature or features of the plat by a state agency or an authorized public authority is necessary. The bill mandates that any state agency or public authority reviewing a plat (i) complete its review within 45 days of receipt of first submission and within 45 days of receipt if the plat has previously been disapproved and (ii) allow use of public rights-of-way for placement of utilities by permit when practical. HB 2544; CH. 202.

**§ 15.2-2266 amended. Validation of certain plats.** Changes the date from 1953 to 1975 for purposes of validating subdivision plats that failed to comply with the technical requirements for recordation existing at the time such plat was recorded. HB 2265; CH. 279.

**§ 15.2-2286 amended. Zoning violations; overcrowding.** Provides for enhanced fines for any conviction resulting from a violation of provisions related to overcrowding of residential dwellings. These violations shall not be punishable by a jail term. HB 2261; CH. 937.

**§ 15.2-2286 amended. Authority of a zoning administrator.** Whenever the zoning administrator of a locality within Planning District 8 has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. SB 1412; CH. 821.

**§ 15.2-2288.3 amended. Farm wineries.** Provides that local restriction upon licensed farm wineries' activities and events to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. The bill further provides that no local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. HB 2493; CH. 657/SB 1205; CH. 611.

**§ 15.2-2298 amended. Conditional zoning.** Allows "high-growth" localities to use the "Northern Virginia" form of conditional zoning. This will give high-growth localities greater flexibility including the ability to accept proffers, the need for which is not generated solely by the rezoning. HB 2500; CH. 324.

**§ 15.2-2303.2 amended. Cash proffers; road improvements.** Provides that the governing body of a locality may, notwithstanding the provisions of the Virginia Public Procurement Act, negotiate and award a contract without competition to an entity that is constructing road improvements pursuant to a special exception condition in order to expand the scope of the road improvements by utilizing cash proffers of others or other available locally generated funds. HB 2380; CH. 321 (effective 3/13/07).

**§ 15.2-2305 amended. Affordable housing dwelling unit ordinances.** Provides that localities that adopt a program of bonus density in exchange for affordable housing will be allowed certain incentives and that the program may also apply to certain elevator structures above four stories except for localities in Planning District Eight. Also, such program may include establishment of a local housing fund to help the locality achieve its affordable housing goals. HB 2010; CH. 695/SB 955; CH. 713.

§§ 15.2-2316.1 and 15.2-2316.2 amended. **Transfer of development rights.** Provides that any county and an adjacent city may enter voluntarily into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The bills also expand the definition of "sending property." HB 2503; CH. 410/SB 869; CH. 363.

§ 15.2-2403 amended. **Powers of service districts.** Grants the power to construct, maintain, and operate dams. HB 2710; CH. 210.

§ 15.2-2403 amended. **Powers of service districts.** Adds the dredging of creeks and rivers to maintain existing uses to the powers of service districts. HB 3129; CH. 229.

§ 15.2-2403 amended. **Service districts; roads.** Gives service districts additional powers with regard to road construction and maintenance, regardless of whether such roads are under the jurisdiction of VDOT. SB 1110; CH. 835.

§ 15.2-2404 amended. **Undergrounding electric transmission lines.** Adds Stafford County to the list of jurisdictions in which the governing body is authorized to enter into an agreement with an electric utility that provides for an additional charge to be included in the utility bills of customers located in a special rate district. The proceeds from the charge will be used to cover the utility's additional costs of constructing proposed high-voltage transmission lines underground rather than overhead. The measure does not apply to lines in operation as of March 1, 2005. HB 1919; CH. 260 (effective 3/12/07).

§ 15.2-2507 amended. **Local budgets.** Modifies the existing requirements for advertising and holding a public hearing when a locality amends its budget. Such requirements will apply to any amendment that exceeds one percent of the total expenditures shown in the current budget. Currently, the requirements apply if the amendment exceeds one percent or \$500,000, whichever is less. HB 2676; CH. 297.

§ 15.2-4904 amended. **Economic development authority of Page County.** Allows the county to increase the size of the authority's board of directors from seven to nine. HB 2335; CH. 283.

§ 15.2-4904 amended. **Industrial development authorities.** Allows the Town of St. Paul industrial development authority to return to a seven-member board of directors. HB 2894; CH. 338.

§ 15.2-5204 amended. **Hospital or health center commissions; membership.** Provides that members of a hospital or health center commission may be residents of the political subdivisions they represent. Under current law, members of a hospital or health center commission must be residents of the political subdivisions they represent. HB 2263; CH. 472.

§§ 15.2-5368 through 15.2-5386 added. **Southwest Virginia Health Facilities Authority.** Establishes a health facilities authority for Southwest Virginia. The Authority may acquire,

construct, equip, establish, improve, maintain, and/or operate hospitals or health centers and may condemn property and issue bonds and other obligations for such purpose. However, the bonds and other obligations of the Authority shall not be a debt of any locality or of the Commonwealth. HB 2882; CH. 676.

§§ 15.2-5516 through 15.2-5522 added. **Tourism Financing Development Authority Act.** Allows localities to create a tourism financing development authority. The authority shall have the power to establish a revolving loan fund or loan guarantee program to help carry out its powers and promote establishment of tourism infrastructure. Certain transient occupancy taxes may also be used for purposes of the authority. HB 2230; CH. 864.

§ 15.2-6304 amended; § 15.2-6304.1 added. **Fort Monroe Federal Area Development Authority board of commissioners.** Authorizes the Governor to convey the property comprising Fort Monroe to the Fort Monroe Federal Area Development Authority created by the City of Hampton. The bill also provides for the membership of the Fort Monroe Federal Area Development Authority, sets its quorum, and prescribes its powers and duties. HB 3180; CH. 707 (effective 3/21/07)/SB 1392; CH. 740 (effective 3/21/07).

§§ 15.2-6400 and 15.2-6407 amended; § 15.2-6900 added. **Regional industrial facility authorities; Appalachian Region Interstate Compact.** Expands the definition of "region" for purposes of creating regional authorities to include any locality within a jurisdiction participating in the Appalachian Region Interstate Compact, which is created by the bill and will become effective if at least one other state enacts the compact. A Commission is created with representation from member states to promote economic and workforce development in cooperation with local governments. Six Virginia members are appointed as follows: two by the Senate Committee on Rules and four by the Speaker of the House of Delegates. HB 3079; CH. 941/SB 1340; CH. 947.

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## TITLE 15.2. MISCELLANEOUS - COUNTIES, CITIES AND TOWNS.

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**Appointment of volunteer assistant attorneys for the Commonwealth.** Adds the City of Richmond to those localities with the authority to appoint volunteer assistant attorneys for the Commonwealth. SB 1067; CH. 719.

**Portsmouth Port and Industrial Commission.** Authorizes the Portsmouth Port and Industrial Commission to provide financing for facilities for an organization, other than a religious organization, that is exempt from federal income taxation pursuant to § 501(a) of the Internal Revenue Code. HB 2989; CH. 339/SB 957; CH. 237.

**Participation in certain programs.** Provides that any locality may participate in programs offered by the National Association of Counties. HB 2735; CH. 330.

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**CHARTERS, AUTHORITIES.**

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**Boykins, Town.** Deletes the requirement that the town sergeant reside in the town. HB 2460; CH. 289.

**Bristol, City.** Provides that the city shall have the power, within and without the city and within or without the Commonwealth of Virginia, to provide consulting and management services for the operation of telecommunication services. In addition, the bill provides that the comptroller, as budget director, shall be skilled in public administration and the accepted practices and municipal budgetary procedure and shall compile, in cooperation with the various department heads, the departmental estimates and other data necessary or useful to the city manager in the preparation of the annual budget. Furthermore, the building code division, which is to be part of the Planning Department and supervised by the Planning Director, shall include the environs control official among its staff. The duties of such environs control official shall be to enforce state law and local ordinances pertaining to garbage, trash, weeds, junk, and litter and the Virginia Uniform Statewide Building Code within the City of Bristol, Virginia. Finally, the bill provides that the school board shall submit its line-item budget estimates to the city manager no later than May 1 of each year. HB 3019; CH. 682/SB 1072; CH. 607.

**Brookneal, Town.** Eliminates the requirement that the town manager reside within the corporate limits of the town during his term of office. HB 2427; CH. 323.

**Cheriton, Town.** Grants a new charter for the Town of Cheriton. The town was originally established without benefit of charter by the Circuit Court of Northampton County in 1951. The new charter contains powers typically found in town charters. HB 2720; CH. 299/SB 1137; CH. 243.

**Colonial Beach, Town.** Updates the charter to reflect the appointment, rather than election, of the treasurer. HB 1989; CH. 185.

**Hampton, City.** Moves authority to appoint the city attorney from the city manager to the city council. HB 2195; CH. 275/SB 1182; CH. 244.

**Hampton, City.** Eliminates the requirement that members of the city real estate board of review be property owners in the city. SB 1018; CH. 240.

**James City, County.** Allows the county to establish the Department of General Services and provide for the Chief of Police to be appointed by the county administrator. HB 2716; CH. 329.

**Leesburg, Town.** Provides that the town may develop an affordable housing program with Loudoun County; grants the town authority to adopt certain codes of technical regulations; and, allows the town to create architectural control districts and develop design standards for such districts. SB 1246; CH. 733.

**Manassas Park, City.** Changes the time of council elections from May to November. SB 1316; CH. 169.

**Newport News, City.** Changes the timing of the council's inaugural meeting and the date by which the city manager shall submit certain financial reports. HB 2189; CH. 319.

**Newport News, City.** Raises the threshold from \$25,000 to \$50,000 for purposes of seeking bids for construction contracts. This change is in accordance with the Virginia Public Procurement Act. SB 799; CH. 766.

**Norfolk, City.** Amends provisions related to the Norfolk Airport Authority related to the police powers of the Authority and the Authority's ability to enter into agreements for concurrent jurisdiction with the cities of Norfolk and Virginia Beach. Also, numerous technical changes are made. HB 2241; CH. 193.

**Stephens City, Town.** Provides that the Frederick County District Courts shall hear and determine charges of violations of town ordinances and that fines collected for violations of town ordinances shall be paid promptly into the treasury of the town. The bill eliminates the requirement that the town treasurer, clerk of the town council, town sergeant, and town manager be residents of the town or of Frederick County. Furthermore, this bill prescribes the power of and the procedure for the council to contract loans, incur debt, and issue bonds. HB 2400; CH. 651.

**Suffolk, City.** Provides for the direct election of the mayor and shifts local elections to November. HB 2645; CH. 208/SB 961; CH. 772.

**Timberville, Town.** Moves the regular municipal election date for the mayor and town council from May to November. The current mayor and town councilmen will have their terms extended by six months. SB 907; CH. 147.

**Troutville, Town.** Changes local elections from May to November. HB 2239; CH. 405.

**Virginia Beach, City.** Makes several changes to reflect the city's recent decision to hold local elections in November rather than May. SB 1141; CH. 725.

**Winchester, City.** Provides that the school board shall be a nine-member board with four members appointed from districts and five members appointed at-large. HB 2028; CH. 936.

**Virginia's Region 2000 Airport Authority Act.** Authorizes the City of Lynchburg and the Counties of Amherst, Appomattox, Bedford, and Campbell to create an authority to be known as "Virginia's Region 2000 Airport Authority" for the purpose of establishing, operating, and maintaining an airport and air navigation facilities and a business/industrial park and related facilities for such city and counties. HB 2800; CH. 812.

**Russell County Water and Sewer Authority.** Provides that each member of the Russell County Water and Sewer Authority shall be a customer of a service provided by the Authority. HB 3119; CH. 687.

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**TITLE 16.1. COURTS NOT OF RECORD.**

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**§ 16.1-69.55 amended. General district court judgments; satisfaction.** Establishes a procedure for the satisfaction of judgments in general district court when the judgment creditor cannot be located. The bill provides that a judgment debtor wishing to discharge a judgment pursuant to the provisions of § 8.01-456 when the creditor cannot be located, may docket the general district court judgment in the circuit court having jurisdiction in the same geographic area as the general district court. An Attorney General's Opinion (May 16, 2006) stated that § 8.01-456 applied only to circuit courts. This bill is a recommendation of the Committee on District Courts. HB 2144; CH. 468/SB 922; CH. 369.

**§§ 16.1-69.55, 16.1-77.1, 16.1-77.2, 16.1-88.2, 16.1-107, 16.1-114.1, and 16.1-122.** See § 8.01-127; HB 2425.

**§ 16.1-83.1.** See § 8.01-20.1; HB 2415.

**§ 16.1-88.2 amended. Medical evidence; appeals to circuit court.** Allows the procedure for introducing medical reports at the general district court level to be used in matters that are appealed to the circuit court. HB 3182; CH. 425.

**§ 16.1-108 amended. Money to be deposited in lieu of bond.** Adds surety bonds, bank checks, and drafts from an attorney's escrow account to the type of payment that would be accepted in lieu of posting a bond for a civil appeal from district court. Currently only cash or a check from the court is accepted. HB 2788; CH. 131.

**§§ 16.1-109 and 16.1-296 amended. District court appeal bond; juvenile courts.** Provides that in appeals or removals from a district court, including juvenile and domestic relations district court, when an appeal bond or other security is required, and there was a failure to post such a bond or other security or a failure to cure defects in a bond or other security, the district court shall order that the appellant or applicant for removal post the required bond or security or cure any defect within a period not longer than the initial period of time for posting the bond or other security. If the error is discovered by the circuit court, then the file shall be remanded to the district court. Failure to comply with an order to post a bond or other security or to cure a defect shall result in the disallowance of the appeal or denial of the application for removal. As introduced, this bill was a recommendation of the Boyd Graves Conference. HB 2073; CH. 464.

**§§ 16.1-118.1 and 16.1-309.3.** See § 15.2-912.1; HB 2928.

**§§ 16.1-237 and 16.1-299.1.** See § 19.2-303; HB 3034.

**§ 16.1-241.** See § 18.2-370.5; HB 2344/SB 927.

**§§ 16.1-253.1 and 20-103 amended. Protective orders; extension.** Provides that a court may extend a preliminary protective order where the party subject to the order fails to attend the hearing because he was not personally served. The extended protective order must be served as soon as possible

and the extension period is limited to six months. The bill also amends provisions relating to protective orders issued pending suit for divorce, custody or visitation to provide that if the party subject to the order fails to appear at the hearing the court may extend the order for a period not to exceed six months. HB 2576; CH. 205.

**§§ 16.1-253.2 and 19.2-120 amended. Violation of provisions of protective orders; penalty.** Provides that the punishment for any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. The bill also provides that any person convicted of a third offense, when the third such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony, and punishment shall include a mandatory minimum term of confinement of six months. The bill also provides that there is a rebuttable presumption that bail should be denied to any person charged with a second or subsequent violation of a protective order. HB 1982; CH. 745.

**§§ 16.1-253.2 and 19.2-120 amended. Violation of provisions of protective orders; penalty.** Provides that the punishment for any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when the instant offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. The bill also provides that any person convicted of a third offense, when the third such offense is committed within 20 years of the first conviction and when the instant offense was based on an act or threat of violence, is guilty of a Class 6 felony, and punishment shall include a mandatory minimum term of confinement of six months. The bill also provides that there is a rebuttable presumption that bail should be denied to any person charged with a second or subsequent violation of a protective order. SB 1237; CH. 923.

**§ 16.1-253.4 amended. Issuance of emergency protective orders with assault warrants.** The bill creates the presumption of further family abuse when there already exists, or there is issued, a warrant for domestic assault. Such presumption may be rebutted by the alleged abused person. HB 1738; CH. 396.

**§ 16.1-253.4 amended. Emergency protective orders.** Provides that when an emergency protective order is issued, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form used to file a petition for a preliminary protective order and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If the forms are provided to a law-enforcement officer the officer may provide the forms to the

person who is the subject of the protective order. HB 2646; CH. 661.

**§ 16.1-271 amended. Juvenile conviction in circuit court.** Provides that the juvenile court is precluded from taking jurisdiction over a juvenile for subsequent offenses only if the juvenile is convicted as an adult. Under current law once a juvenile is tried or treated as an adult for an offense the juvenile court is precluded from taking jurisdiction for subsequent offenses. HB 3007; CH. 221.

**§ 16.1-272 amended. Sentencing of juvenile convicted of capital murder.** Provides that, upon a finding of guilty of any felony charge, the court shall fix the sentence of a juvenile defendant without the intervention of a jury. Currently, the Code provides for involvement of a jury in a capital case. In *Roper v. Simmons*, 543 U.S. 551 (2005), the U.S. Supreme Court held that the Eighth and Fourteenth Amendments forbid the execution of offenders who were under the age of 18 at the time of the crime. HB 2053; CH. 460.

**§§ 16.1-273 and 16.1-278.7 amended. Investigation of the social history of juveniles at the time of commitment.** Requires the court to order an investigation of a juvenile's social history at the time of the juvenile's commitment if one has not been previously completed. The investigation shall be completed within 15 days of the commitment. Currently such an investigation is permissive. HB 2660; CH. 510.

**§ 16.1-278.9 amended. Punishment for certain juvenile offenses.** Clarifies that a judge may impose all penalties allowable by law for juveniles found delinquent of offenses that require the loss of driving privileges as set forth in § 16.1-278.9. SB 1236; CH. 731.

**§ 16.1-278.17 added. Pendente lite spousal support; guidelines.** Establishes a statewide formula to be used by courts to calculate the presumptive amount of an award of pendente lite spousal support. Courts still have the discretion to deviate from the presumptive amount calculated under this formula for good cause shown as well as after consideration of the factors used in determining a spousal support award, other than pendente lite spousal support, set forth at § 20-107.1. The bill caps the application of this formula to cases where the parties' combined gross monthly income does not exceed \$10,000. SB 948; CH. 909.

**§ 16.1-300 amended. Release of confidential records of the Department of Juvenile Justice.** Adds group homes, residential facilities, and postdispositional facilities to the list of those eligible to review social, medical, psychiatric, and psychological reports and records of children who are or have been (i) before the court, (ii) under supervision, or (iii) receiving services from a court service unit or who are committed to the Department of Juvenile Justice. Any copies of those records in the custody of the newly added review-eligible facilities shall be destroyed if the juvenile is not admitted to such a facility. HB 2661; CH. 511.

**§ 16.1-305.** See § 19.2-80.2; HB 2858.

**§ 16.1-323 amended; § 16.1-323.1 added; §§ 16.1-324 through 16.1-330 repealed. Interstate Compact for Juveniles.** Repeals the Interstate Compact Relating to Juveniles located in Article 14 (§ 16.1-323 et seq.) of Chapter 11 of Title 16.1 and replaces it with the current version of the Interstate Compact for Juveniles, which has already been enacted in 30 states and provides for enhanced accountability, enforcement, visibility, and communication in relation to tracking and supervising juveniles moving across state borders. Provides for an appointed five-member State Council to exercise oversight of Virginia's participation in the Compact. HB 2201; CH. 277 (effective - see bill)/SB 1290; CH. 387 (effective - see bill).

**§§ 16.1-336, 16.1-339, 16.1-341, 16.1-345.1, 16.1-348, 37.2-803, and 37.2-804 amended. Psychiatric Inpatient Treatment of Minors Act.** Clarifies that certain retired judges, substitute judges, and special justices are authorized to perform hearings under the Act and to receive compensation therefor. In order to be authorized to perform hearings, such judges or justices are required to complete a training program, prescribed by the Executive Secretary of the Supreme Court, regarding the provisions of the Act. Specifies that special justices shall serve under the supervision and at the pleasure of the chief judge making the appointment for a period of up to six years, and that such special justices may be reappointed and may serve additional periods of up to six years, at the pleasure of the chief judge. HB 2530; CH. 500.

**§§ 16.1-336, 16.1-339, 16.1-341, 16.1-345.1, 16.1-348, 37.2-803, and 37.2-804 amended. Psychiatric Inpatient Treatment of Minors Act; special justices.** Clarifies that certain retired judges, substitute judges, and special justices are authorized to perform hearings under the Act and to receive compensation therefor. In order to be authorized to perform hearings, such judges or justices are required to complete a training program, prescribed by the Executive Secretary of the Supreme Court, regarding the provisions of the Act. Specifies that special justices shall serve under the supervision and at the pleasure of the chief judge making the appointment for a period of up to six years and may be reappointed. SB 738; CH. 897.

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## TITLE 17.1. COURTS OF RECORD.

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**§ 17.1-124 amended. Order books; microfilming.** Requires circuit court clerks to ensure that order books have been microfilmed or converted to an electronic format using state microfilm standards and state electronic records guidelines. In addition, the clerk must provide the master reel of any such microfilm for storage in the Library of Virginia and provide for secure, off-site back up of any electronic copies of such records. SB 1129; CH. 567.

**§§ 17.1-208, 17.1-275, 17.1-279, 17.1-292, 17.1-293, and 17.1-294.** See § 2.2-3703; HB 2062/SB 824.

**§ 17.1-223 amended. Recordation of deeds.** Places the responsibility of complying with the requirements for a writing to be recorded on the attorney or party who prepares the writing for recordation and also states that the same party is responsible for removing the social security number from the writing prior to the instrument being submitted for recordation. The preparer also shall ensure that a deed conveying not more than four dwelling units states on its first page the name of the title insurance underwriter or that the existence of title insurance is unknown to the preparer. The bill also provides that the writing, once recorded, shall be returned to the grantee unless an alternate address to which the writing shall be returned is indicated on the face of the writing. HB 1909; CH. 451.

**§ 17.1-266 amended. Fees for clerks, sheriffs, etc.** Provides that localities are exempt from paying any fees for services rendered by clerks or other court officers for services rendered in cases when the locality is a party to a case in its own court system or in any other jurisdiction where the locality and the other jurisdiction have a reciprocal waiver of fees agreement. The bill further provides that sheriffs may grant a waiver of sheriff's fees to other localities. SB 1293; CH. 800.

**§ 17.1-273.** See § 15.2-912.1; HB 2928.

**§ 17.1-275.** See § 10.1-1152; HB 2339.

**§§ 17.1-328 amended; § 17.1-205 added. Pro Hac Vice Fund; out-of-state-attorneys.** Establishes the Pro Hac Vice Fund as a special, nonreverting fund comprised of fees collected for applications to associate counsel (out-of-state attorneys). Moneys in the Fund are to be used by the Supreme Court for improving the administration of justice. The fee, under new Rule 1A:4, will be \$250. HB 2115; CH. 113/SB 973; CH. 372.

**§ 17.1-406.** See § 57-2.02; HB 3082.

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## TITLE 18.2. CRIMES AND OFFENSES GENERALLY.

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**§ 18.2-31 amended. Capital murder of a witness in a criminal case; penalty.** Provides that the willful, deliberate and premeditated killing of any witness under subpoena in a criminal case when the killing is for the purpose of interfering with the person's duties in such case is punishable as capital murder, a Class 1 felony. HB 2347; CH. 844.

**§ 18.2-31 amended. Capital murder of a judge or witness.** Provides that the willful, deliberate and premeditated killing of a judge or justice when the killing is for the purpose of interfering with the judge's official duties is punishable as capital murder, a Class 1 felony, and that the willful, deliberate and premeditated killing of any witness under subpoena in a criminal case when the killing is for the purpose of interfering with the person's duties in such case is punishable as capital murder, a Class 1 felony. SB 1116; CH. 846.

**§ 18.2-31 amended. Capital murder of a judge; penalty.** Provides that the willful, deliberate and premeditated killing of a judge or justice when the killing is for the purpose of interfering with his official duties is punishable as capital murder, a Class 1 felony. HB 2750; CH. 845.

**§ 18.2-46.1 amended. Criminal gang member status; predicate crimes.** Adds "felony involving the use of a firearm or other weapon" to the list of crimes that qualify as predicate criminal acts necessary for criminal gang member status, which results in enhanced penalties for certain other crimes. HB 2524; CH. 499.

**§§ 2.2-511 and 18.2-46.5 amended. Gangs and terrorism; penalty.** Provides that the Attorney General, with the concurrence of the local attorney for the Commonwealth, may assist in the prosecution of certain gang and terrorism crimes when committed on the grounds of a state correctional facility. The bill also provides that any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause another to participate in an act or acts of terrorism is guilty of a Class 4 felony. HB 2429; CH. 409.

**§§ 18.2-51.1, 18.2-283.1, 18.2-287.01, and 18.2-308.** See § 29.1-200; HB 1867.

**§ 19.2-187.02 amended; § 18.2-51.5 added. Maiming resulting from operating a watercraft while intoxicated; penalty.** Makes it a Class 6 felony to operate a watercraft while intoxicated in violation of § 29.1-738 or any local ordinance substantially similar in a manner so gross, wanton, and culpable as to show reckless disregard for human life, and to unintentionally cause the serious bodily injury of another person resulting in permanent and significant physical impairment. The bill also adds statutes dealing with boating while intoxicated to the statute that allows written reports of blood alcohol tests conducted upon persons receiving medical treatment in a hospital or emergency room to be admissible in evidence as a business records exception to the hearsay rule in prosecutions for DUI. HB 2978; CH. 679/SB 1130; CH. 379.

**§§ 18.2-55, 18.2-57.3, 18.2-64.2, 18.2-67.4, 18.2-251, 18.2-251.01, 18.2-252, 18.2-254, and 18.2-254.1.** See § 19.2-80.2; HB 2858.

**§§ 18.2-57.02, 18.2-283.1, 18.2-287.01, 18.2-308.1, 18.2-308.2, 19.2-386.28, and 19.2-386.29 amended. Stun weapons; definition.** Eliminates references to "tasers" throughout the Code of Virginia, and amends the definition of a "stun weapon" to mean any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature, and which is designed to temporarily incapacitate a person. Previously, the Code of Virginia differentiated between this type of mechanism and a taser, which was defined as emitting a shock through the use of a projectile. HB 2853; CH. 519.

**§ 18.2-59 amended. Extortion by withholding immigration document.** Provides that any person who confiscates, withholds or threatens to withhold any actual or purported passport, immigration document or other government identification doc-

ument and thereby extorts money, property, or pecuniary benefit is guilty of a Class 5 felony. HB 1921; CH. 453.

**§ 18.2-59 amended. Extortion with certain documents; penalties.** Provides that any person who destroys, removes, confiscates, or possesses any actual or purported passport, immigration document, or other government identification document, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. SB 815; CH. 547.

**§ 18.2-63.** See § 9.1-901; SB 1065.

**§ 9.1-902 amended; § 18.2-67.4:2 added. Sexual abuse; penalty.** Provides that it is a Class 1 misdemeanor for an adult to, with lascivious intent, commit sexual abuse against a child 13 years of age or older but under 15 years of age. A person convicted of this offense will have to register with the Sex Offender and Crimes Against Minors Registry. HB 2068; CH. 463.

**§ 18.2-67.5:3 amended. Second or subsequent violent sex offense; penalty.** Provides that the notice that the Commonwealth is required to give to the defendant that it will seek punishment available under the "two-time loser" sex offender statute shall be given in the indictment, information or warrant. HB 2591; CH. 506.

**§§ 18.2-67.7 and 18.2-67.8 amended. Admission of evidence; taking indecent liberties.** Expands the scope of the rape shield statute to include prosecutions for taking indecent liberties with children under § 18.2-370, 18.2-370.01, or 18.2-370.1. Currently, the statute only applies to prosecutions of criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2. HB 3085; CH.890.

**§ 18.2-97.1 added. Larceny of a dog collar; penalty.** Provides that any person who removes from a dog an electronic or radio transmitting collar without the permission of the owner of the dog and with the intent to prevent or hinder the owner from locating the dog, is guilty of a Class 1 misdemeanor. This bill also provides that upon a finding of guilt, the court shall order that the defendant pay as restitution the actual value of any dog lost or killed as a result of such removal. The court may also order restitution to the owner for any lost breeding revenues. HB 2365; CH. 484/SB 1180; CH. 721.

**§ 18.2-136 amended. Retrieving hunting dogs; identification.** Provides that a hunter who goes on prohibited lands to retrieve his hunting dogs and willfully refuses to identify himself when requested to do so by the landowner is guilty of a Class 4 misdemeanor. HB 2531; CH. 658/SB 884; CH. 145.

**§ 18.2-147.2 amended. Devices for puncturing motor vehicle tires.** Provides that law-enforcement officers lawfully engaged in the discharge of their duties are not subject to the Class 1 misdemeanor for possessing or utilizing devices designed to puncture motor vehicle tires. HB 1785; CH. 437.

**§ 18.2-152.4 amended. Computer trespass; spyware; penalty.** Adds keyboard loggers and bots and zombies to the list of

computer trespass crimes. The bill makes it a Class 6 felony for a person to maliciously install or cause to be installed, or collect information through, software capable of recording all or a majority of the keystrokes on the computer of another without authorization. The bill also makes it a crime to maliciously install or cause to be installed on the computer of another, computer software that takes control of that computer so that it can cause damage to another computer or disable or disrupt the ability of the computer to share or transmit instructions or data to other computers or related computer equipment or devices. The bill adds a Class 6 felony if a person, in violation of computer trespass laws, installs software on more than five computers of another, or installs software which records keystroke information regardless of the number of computers involved. HB 2353; CH. 483.

**§ 18.2-160.2 added. Trespassing on public transportation; penalty.** Provides that any person who enters or remains upon or within a vehicle operated by a public transportation service without the permission of, or after having been forbidden to do so by, the owner, lessee, or authorized operator thereof is guilty of a Class 4 misdemeanor. HB 2055; CH. 461.

**§§ 18.2-186 and 18.2-195.2 amended. False statements to obtain property or credit; fraudulent credit card application; penalty.** Raises penalty for making a false statement to obtain credit from a Class 2 to a Class 1 misdemeanor. Characterizes the crime of fraudulently obtaining less than \$200 worth of goods, services, etc. as petit larceny rather than a Class 1 misdemeanor. (Obtaining \$200 or more is already described as grand larceny.) Defines a written false statement to include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, other than by voice transmission through any such medium. HB 2772; CH. 518.

**§ 18.2-186.3 amended. Identity theft; clarification of fictitious person.** Amends identify theft statute to correct a possible reference to a false or fictitious person as a person who may be dead or alive. HB 1795; CH. 441.

**§ 18.2-186.4 amended. Public records; protection of law-enforcement officers; penalty.** Includes identification of the person's primary residence address in the statute prohibiting the publishing of a person's name or photograph along with their identifying information. Also states that if any person violates the statute (§ 18.2-186.3), and he knew or had reason to know that the person he was identifying was a law-enforcement officer, then he is guilty of a Class 6 felony instead of a Class 1 misdemeanor. SB 1282; CH. 736.

**§ 18.2-270.1 amended. Ignition interlock and loss of restricted license.** Provides that a DUI ignition interlock installation shall be for six consecutive months as opposed to the current "six months" provided that the defendant has no alcohol-related violations of the interlock requirements. The bill also reduces the driver's blood alcohol content from 0.025 to 0.02 for triggering the ignition interlock to be consistent with previous changes to the Code of Virginia. HB 3098; CH. 686.

**§ 18.2-271.1 amended. Limits on driving on a restricted permit.** Provides that a person whose license to operate a motor vehicle has been suspended or revoked may be issued a restricted permit to drive for the purpose of providing medically necessary transportation of any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional. Currently, the restriction is narrower, only allowing such person to drive an elderly parent for a medical necessity and to drive minor children to medical care facilities. HB 2266; CH. 194.

**§ 18.2-271.1 amended. Limits on driving on a restricted permit.** Provides that a person whose license to operate a motor vehicle has been suspended or revoked may be issued a restricted permit to drive for the purpose of providing medically necessary transportation of any person residing in the person's household with a serious medical problem, as designated by the court, upon written verification of need by a licensed health professional. Currently, the restriction is narrower, only allowing such person to drive an elderly parent for a medical necessity and to drive minor children to medical care facilities. SB 886; CH. 553.

**§ 18.2-272 amended. Third offense driving on a suspended license; penalty.** Clarifies that a conviction of a third offense in 10 years of driving on a license that has been suspended, revoked, or restricted because of a DUI-related offense is a Class 6 felony when such offenses are committed within the 10-year period. Current law could be interpreted to punish on the basis of the dates of convictions rather than dates the offenses were committed. HB 1890; CH. 258.

**§ 18.2-287.4.** See § 15.2-912.1; HB 2928.

**§ 18.2-308 amended. Carrying concealed weapons; deployed state troopers.** Allows an officer of the Virginia State Police to carry a concealed weapon while called to active duty with the reserve forces of the United States military. Such officers would be issued written proof of consultation and favorable review of the need to carry a concealed handgun that would serve as a concealed handgun permit while the officer is on active duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The system is modeled on the process used to allow retired law-enforcement officers to carry concealed weapons without a concealed handgun permit. HB 1988; CH. 455.

**§§ 15.2-915.3 and 18.2-308 amended. Concealed handgun permits; fingerprinting.** Clarifies that a locality may only require a concealed handgun permit applicant to submit fingerprints when applying for a new permit, but shall not require an existing permit holder to submit fingerprints when renewing a permit. HB 2106; CH. 272.

**§ 18.2-308 amended. Concealed handgun permits; retired law-enforcement officers.** Provides that a retired law-enforcement officer who has been issued proof of consultation and review to carry a concealed handgun shall have the opportunity

to annually participate, at the retired officer's expense, in the same firearms training required for active duty law-enforcement officers in the Commonwealth. The federal Law Enforcement Officers Safety Act requires that, in order to carry a concealed handgun pursuant to the Act, a retired law-enforcement officer be found by the state to meet the law-enforcement training standards established by the state. If a retired law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue to the retired officer a certification, valid for one year, indicating that he has met the standards to carry a firearm. HB 2413; CH. 408.

**§ 18.2-308.2:2 amended. Illegal conveyance of firearms; penalty.** Makes it a Class 6 felony for any person, except for a law-enforcement officer in the performance of his official duties or other person under the direct supervision of the law-enforcement officer, to attempt to solicit or otherwise entice a firearms dealer to transfer or otherwise convey a firearm other than to an actual buyer. A person who willfully and intentionally aids or abets a person violating this provision is likewise guilty of a Class 6 felony. The bill adds a definition of actual buyer as the person who executes the required consent form provided by the Department of State Police or other firearm transaction record required by federal law. HB 2653; CH. 509.

**§ 18.2-323.02 added. Concealment of dead body; penalty.** Provides that any person who transports, secretes, conceals, or alters a dead body with malicious intent and to prevent detection of an unlawful act, the death, or the manner or cause of death is guilty of a Class 6 felony. HB 1777; CH. 436.

**§§ 18.2-340.16 and 18.2-340.34 amended. Charitable gaming; definition of instant bingo, pull tabs, and seal cards.** Clarifies that Department-approved electronic instant bingo, pull tabs, and seal cards may be used in the conduct of charitable gaming. The bill also requires manufacturers or suppliers of electronic games of chance to have a permit by the Department of Charitable Gaming. HB 1998; CH. 264.

**§ 18.2-340.16 amended; § 18.2-340.26:2 added. Department of Charitable Gaming; definitions; athletic associations and band booster clubs.** Authorizes an athletic association or athletic booster club, or a band booster club to sell instant bingo, pull tabs, or seal cards as a part of its annual fund-raising event provided that the sale is limited to a single event in a calendar year and the event is open to the public. SB 1154; CH. 160.

**§ 18.2-340.26:1 amended. Charitable gaming; use of pull tabs and seal cards.** Clarifies that last sales games involving the sale of pull tabs or seal cards are permitted by organizations so long as they are played only on the premises owned or exclusively leased by the organization and at such times as the portion of the premises is open only to members and their guests. HB 2389; CH. 196.

**§ 18.2-340.30 amended. Department of Charitable Gaming; reports of gross receipts and disbursements.** Provides for each qualified organization to file at least annually a report



of all receipts and disbursements from its charitable gaming operation. The bill also authorizes the Board for Charitable Gaming to require a qualified organization whose net receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. Currently the qualified organizations are required to file the report for each calendar quarter. The bill also authorizes a qualified organization to designate or compensate an outside individual or group to file the annual report. SB 769; CH. 541.

**§ 18.2-340.30:1 added. Department of Charitable Gaming; gross receipts; "winner-take-all" games.** Provides that the proceeds from any bingo game commonly referred to as "winner-take-all" games shall not be included in determining the gross receipts for a qualified organization. SB 842; CH. 550.

**§§ 18.2-340.33 and 18.2-340.34:1 amended. Charitable gaming; regulation of bingo callers; exceptions.** Provides that bingo callers for volunteer fire departments and rescue squads and auxiliary units thereof are exempt from registering with the Department in order to receive remuneration as a bingo caller. HB 3078; CH. 226.

**§ 18.2-340.33 amended. Charitable Gaming Department; prohibited practices; bingo jackpot; "winner-take-all" games.** Requires organizations to sell and separately account for bingo jackpot games. The bill also authorizes up to two "winner-take-all" games in any given bingo session. SB 1179; CH. 790.

**§ 18.2-340.34:1 amended. Charitable gaming; bingo callers.** Eliminates membership in a qualified organization in order to be registered with the Charitable Gaming Department as a bingo caller. HB 3140; CH. 347.

**§ 18.2-369 amended. Abuse or neglect of incapacitated adult; penalty.** Provides that when an incapacitated adult dies as a result of abuse or neglect by a person responsible for the adult's care, the responsible person is guilty of a Class 3 felony. HB 2459; CH. 653/SB 1025; CH. 562.

**§ 16.1-241 amended; § 18.2-370.5 added. Sex offenses prohibiting entry onto school property; penalty.** Provides that an adult who has been convicted of a sexually violent offense is guilty of a Class 6 felony if he enters or is present, during school hours, upon any property he knows or has reason to know is a public or private elementary or secondary school or child day center property, unless he (i) is lawfully voting; (ii) is a student enrolled at the school; or (iii) has received a court order allowing him to enter upon such property. The bill provides that such an adult may petition the juvenile and domestic relations district court or circuit court in the county or city where the school or child day center is located for permission to enter such property. For good cause shown, the court may issue an order permitting the petitioner to enter and be present on such property, subject to restrictions the court deems appropriate. HB 2344; CH. 284/SB 927; CH. 370.

**§§ 9.1-902, 9.1-903, 9.1-904, 9.1-912, 18.2-374.1, 18.2-374.1:1, and 18.2-374.3 amended; § 18.2-374.1:2**

**repealed. Sex offender registration; child pornography; penalties.** Requires a sex offender to include in the registration information any electronic mail address and any instant messaging screen name that he uses or will use. A sex offender must register any changes in email addresses, instant message, or other identity information within 30 minutes of such information changing. The bill defines child pornography as sexually explicit visual material which utilizes or has as a subject a person less than 18 years of age. The bill establishes enhanced penalties for the production, distribution, solicitation, participation, financing, or photographing of child pornography. The bill also clarifies that, for purposes of punishing production, child pornography means sexually explicit visual material that uses an identifiable minor, and that for purposes of punishing possession or reproduction, a person depicted by text or title or who appears to be less than 18 years of age in sexually explicit material is inferred to be less than 18 years of age. The bill repeals § 18.2-374.1:2 but inserts similar language in § 18.2-374.1:1 relating to facilitating payment for or access to child pornography. HB 2749; CH. 759/SB 1071; CH. 823.

**§ 18.2-374.1 amended. Venue in child pornography cases.** Provides that venue for a prosecution of production of child pornography may lie in the jurisdiction where the unlawful act occurs or where any sexually explicit visual material associated with such a violation is produced, reproduced, found, stored, or possessed. HB 2968; CH. 418.

**§ 18.2-426 amended; §§ 18.2-424 and 18.2-425 repealed. Repeal of punishments for misuse of telephone party lines.** Repeals punishments for misuse of telephone party lines. HB 2126; CH. 467.

**§ 18.2-460 amended. Crimes; obstruction of justice; penalty.** Provides that if any person by threats of bodily harm or force knowingly attempts to intimidate or impede an attorney for the Commonwealth lawfully engaged in his duties as such, he is guilty of a Class 5 felony. HB 2332; CH. 282.

**§ 18.2-460 amended. How the crime of obstructing justice is charged.** Clarifies that when a person is charged with the misdemeanor offense of obstructing justice (general crimes), such charge is independent of the felony charge (the felony offense is reserved for a specific list of crimes). HB 2947; CH. 220.

**§ 18.2-477.2 amended. Offenses committed within a juvenile facility.** Amends the statute that makes certain actions criminal if committed by a prisoner in a state, local or community correctional facility applicable to persons detained in a secure juvenile facility or detention home to provide that an offense added in 2006 (willfully tampering with, damaging, destroying, or disabling any fire protection or fire suppression system, equipment, or sprinklers within the facility) will apply to persons confined in juvenile facilities. HB 2890; CH. 521.

**§ 18.2-511.1 added. Smoking in proximity to hospital oxygen source; penalty.** Provides that any person who smokes or uses an open flame within 25 feet of an oxygen source in a

health care facility when the area is posted as an area where smoking and open flame are prohibited is guilty of a Class 2 misdemeanor. HB 1652; CH. 430.

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## TITLE 18.2. MISCELLANEOUS - CRIMES AND OFFENSES GENERALLY.

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**Sex offender treatment; residential areas.** Provides that no individual shall knowingly provide sex offender treatment services to a convicted sex offender in an office or similar facility located in a residentially zoned subdivision. HB 2776; CH. 878.

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## TITLE 19.2. CRIMINAL PROCEDURE.

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**§ 19.2-10.2 added. Administrative subpoena; electronic communication service and remote computing service providers.** Provides that attorneys for the Commonwealth have the authority to issue administrative subpoenas to obtain records and other information from electronic communication service and remote computing service providers if relevant to a legitimate law-enforcement investigation concerning child pornography and use of communications systems to facilitate certain sexual offenses with children. The bill provides a definition of what constitutes records and other information that may be obtained upon the issuance of an administrative subpoena. All records or other information received by attorneys for the Commonwealth may only be used for a reasonable period of time not to exceed 30 days. Upon completion of the investigation, the records or other information shall be destroyed if no prosecution is initiated. The bill also provides that a service provider may move to quash the administrative subpoena in any court of competent jurisdiction if the records or other information sought is unusually voluminous in nature or if compliance with the subpoena would cause an undue burden to the service provider. HB 2953; CH. 814.

**§ 19.2-10.2 added. Administrative subpoena; electronic communication service and remote computing service providers.** Provides that attorneys for the Commonwealth have the authority to issue administrative subpoenas to obtain records and other information from electronic communication service and remote computing service providers if relevant to a legitimate law-enforcement investigation concerning child pornography and use of communications systems to facilitate certain sexual offenses with children. The bill provides a definition of what constitutes records and other information that may be obtained upon the issuance of an administrative subpoena. All records or other information received by attorneys for the Commonwealth may only be used for a reasonable period of time not to exceed 30 days. Upon completion of the investigation, the records or other information shall be de-

stroyed if no prosecution is initiated. The bill also provides that a service provider may move to quash the administrative subpoena in any court of competent jurisdiction if the records or other information sought is unusually voluminous in nature or if compliance with the subpoena would cause an undue burden to the service provider. SB 1357; CH. 802.

**§§ 19.2-11.01, 53.1-133.02, and 53.1-160 amended. Victim notification.** States that victim notification currently required to be made by the Department of Corrections and local and regional jails may be made through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system. HB 2029; CH. 109/SB 972; CH. 94.

**§ 19.2-11.01.** See § 40.1-28.7:2; HB 3132.

**§ 19.2-11.2 amended. Crime victim's right to nondisclosure of certain information.** Provides that no appellate decision shall contain the first or last name of the victim of a crime involving any sexual assault or sexual abuse upon the request of the victim to the Court of Appeals of Virginia or the Supreme Court of Virginia hearing the case. HB 2570; CH. 503.

**§ 19.2-12 amended. Conservators of the peace; municipal park rangers.** Makes sworn municipal park rangers conservators of the peace. HB 3041; CH. 224.

**§ 19.2-13 amended. Special conservators of the peace.** Provides that in the case of a corporation or business applicant, special conservators of the peace may, in addition to geographical limitations within the judicial circuit where the appointment is made, be granted authority in any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities or counties. The authority of such a special conservator of the peace, outside the geographical limitations within the judicial circuit where the appointment is made, is limited to the boundaries of such real property. HB 2349; CH. 481/SB 1165; CH. 380.

**§ 19.2-45 amended. Magistrates; criminal warrants.** Requires magistrates to deliver a copy of any criminal warrant issued at the request of a citizen to the attorney for the Commonwealth, if requested by the attorney for the Commonwealth. HB 2364; CH. 122/SB 997; CH. 373.

**§ 19.2-54 amended. Search warrant affidavits; delivery.** Allows affidavits for search warrants to be delivered in person or mailed by certified mail, return receipt requested. HB 2759; CH. 212.

**§ 19.2-56 amended. Execution of search warrants.** Allows an agent of the United States Department of Homeland Security and any inspector, law-enforcement official, or police personnel of the United States Postal Inspection Service to execute a search warrant in Virginia. HB 2855; CH. 416.

**§ 19.2-72 amended. Criminal procedure; issuance of criminal warrants.** Authorizes a sheriff or his deputy to execute an arrest warrant in a town surrounded by the county that he serves, and to arrest someone committing a criminal act arising

out of and during the execution of a warrant in a city or town surrounded by the county he serves. The venue for the prosecution of such crime lies in the jurisdiction where it occurred. HB 2533; CH. 412.

§§ **2.2-3706, 2.2-3711, 4.1-305, 9.1-173 through 9.1-183, 9.1-185.4, 9.1-186.4, 16.1-305, 18.2-55, 18.2-57.3, 18.2-64.2, 18.2-67.4, 18.2-251, 18.2-251.01, 18.2-252, 18.2-254, 18.2-254.1, 19.2-80.2, 19.2-152.2 through 19.2-152.7, 19.2-299.2, 19.2-303.3, 19.2-389.1, 19.2-390.01, and 30-19.1:4 amended.** **Local community-based probation services.** Makes numerous technical changes throughout the Code to update standard nomenclature for community probation services. HB 2858; CH. 133.

§ **19.2-120.** See § 16.1-253.2; HB 1982.

§§ **19.2-120 and 19.2-386.31 amended.** **Child pornography; seizure and forfeiture of equipment; bail.** Provides that all equipment and other personal property used in connection with the possession, production, distribution, publication, or sale of child pornography or in connection with solicitation of a minor for child pornography shall be subject to seizure and forfeiture. This bill also provides a person charged with violating § 18.2-374.1 (crimes involving child pornography) or § 18.2-374.3 (use of communications system to procure minors for various sexual offenses involving children) is rebuttably presumed ineligible for bail when the offender has reason to believe that the solicited person is a child under 15 years of age and the offender is at least five years older than the solicited person. HB 2980; CH. 134/SB 1239; CH. 386.

§ **19.2-120.** See § 16.1-253.2; SB 1237.

§ **19.2-124 amended.** **Appeal bonds.** Provides that no service or filing fees shall be assessed or collected for any appeal from an order denying bail or fixing terms of bond or recognizance. HB 2061; CH. 462/SB 825; CH. 549.

§ **19.2-163 amended.** **Waiver on compensation cap for court-appointed attorneys.** Provides that court-appointed counsel, who are not public defenders, may request a waiver of the limitations on compensation up to certain specified additional amounts depending on the charges being defended when the effort expended, the time reasonably necessary for the representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver. The determination of whether to grant such a waiver shall be subject to guidelines issued by the Executive Secretary of the Supreme Court. In addition, for felony charges, counsel may request a waiver above the specified caps by the presiding judge who shall determine whether an additional waiver is justified. If the judge determines that the additional waiver is justified he forwards it to the Chief Judge of the Circuit Court for approval, which approval shall be contingent upon a certification of the Executive Secretary of the Supreme Court. If funds appropriated to pay for such waivers become insufficient, no further waivers shall be approved. The bill also provides that, in the event the defendant is convicted and a waiver of the compensation cap has been requested, the court shall only assess against the defen-

dant an amount equal to the pre-waiver cap as a part of the costs of prosecution. HB 2361; CH. 938/SB 1168; CH. 946.

§ **19.2-163.01 amended.** **Indigent Defense Commission.** Gives the authority for securing office space for public defenders to the executive director of the Commission and allows for the delegation of certain powers and duties to the deputy executive director in the absence of the executive director. SB 943; CH. 371.

§ **19.2-163.03 amended.** **Court-appointed counsel; qualifications.** Clarifies the requirements to be met for qualification as a court-appointed attorney by setting out each type of case and listing the requirements. The bill also specifically lists requalification requirements, including a requirement that the Indigent Defense Commission provide information on MCLE programs that have been approved by the Commission. SB 1189; CH. 571.

§ **19.2-163.3 amended.** **Public defenders; duties.** Clarifies that the public defenders are responsible for managing their offices and that assistants do not have the same managerial authority. The bill also mirrors § 19.2-163.01, clarifying the role of the Indigent Defense Commission as supervisory. Finally, the bill removes the language requiring representation of indigent prisoners in habeas cases. HB 2991; CH. 680.

§ **19.2-164 amended.** **Interpreters for non-English-speaking persons.** Provides that the court may assess as part of the costs taxed to the defendant the costs of any interpreter appointed for the defendant when the defendant fails to appear for trial and is convicted of a failure to appear and the interpreter appears in the case and no other case on the date the defendant is convicted. SB 1192; CH. 383.

§§ **19.2-169.1, 19.2-169.2, and 19.2-169.3 amended.** **Insane defendants; restoration of competency.** Updates provisions on the qualifications and procedures of a competency evaluator. Clarifies the role of the director of the community services board or behavioral health authority in restoring the competency of a defendant who is receiving treatment on an outpatient basis. The bill also provides that the director is to make and receive reports regarding the competency of the defendant. SB 1103; CH. 781.

§ **19.2-169.3.** See § 37.2-900; HB 2671.

§ **19.2-175 amended.** **Compensation of experts in criminal cases.** Increases the maximum fee from \$400 to \$750 that the court may pay for professional services rendered by each psychiatrist, clinical psychologist or other expert appointed by the court to render professional service in a criminal case other than capital murder. HB 2368; CH. 829.

§§ **19.2-182.2, 19.2-182.5, 19.2-182.6, 19.2-182.7, 19.2-182.10, and 19.2-182.11 amended.** **Persons acquitted by reason of insanity.** Provides that the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services can designate a community services board or behavioral health authority other than the one serving the locality where the acquittee was acquitted to submit and receive reports and

implement conditional release orders. The bill also adds, where omitted, the term "or behavioral health authority" wherever the term "community services board" appears. HB 2369; CH. 485/SB 1104; CH. 565.

**§ 19.2-182.6 amended. Petition for release of acquittee.** Provides that only when a motion for release from custody is made by the person acquitted by reason of insanity shall the court order an evaluation by a psychiatrist and psychologist. Currently, this is required when the petition is by either the acquittee or the Commissioner of DMHMRSAS. The bill provides that the court may order an additional evaluation if it deems further evaluation necessary. SB 1134; CH. 785.

**§ 19.2-187.02.** See § 18.2-51.5; HB 2978/SB 1130.

**§ 19.2-243 amended. Speedy trial.** Specifies that statutory speedy trial provisions apply to an adult whose preliminary hearing is held in any district court. SB 874; CH. 944.

**§ 19.2-250.** See § 15.2-912.1; HB 2928.

**§ 19.2-265.6 added. Effect of dismissal of criminal charges.** States that dismissal of a criminal charge by a court does not bar subsequent prosecution of the charge unless jeopardy attached at the earlier proceeding or unless the dismissal order explicitly states that the dismissal is with prejudice. HB 2981; CH. 419.

**§ 19.2-267 amended. Issuance of witness summonses by criminal defense counsel.** Provides that the attorney for the defendant may issue a witness summons. SB 877; CH. 552.

**§§ 19.2-295, 19.2-298.01, and 19.2-303 amended. Judge sentencing and reports to the Sentencing Commission.** Requires a judge to file a written explanation of a decision to modify a jury sentence when the judge departs from the jury sentence or suspends imposition of sentence in whole or in part. HB 1895; CH. 259.

**§ 19.2-295.1 amended. Jury sentencing proceeding.** Restates, to eliminate any possibility of confusion, the provision in current law that victim impact testimony may be presented at the sentencing proceeding. The bill also allows the punishments imposed on the defendant for prior convictions to be presented to the jury. HB 2318; CH. 478/SB 1294; CH. 388.

**§ 19.2-301 amended. Mental evaluation of a person convicted of a sexually abnormal offense.** Provides that a judge may order a defendant convicted of a sexually abnormal offense to be examined by a licensed clinical social worker if a psychiatrist or clinical psychologist is not reasonably available. The licensed clinical social worker must be certified as a sex offender treatment provider and qualified by experience and by specialized training approved by the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to perform such evaluations. Under current law, the evaluation would have to be performed by a psychiatrist or psychologist. HB 1793; CH. 440.

**§§ 9.1-176.1, 16.1-237, 16.1-299.1, 19.2-303, 19.2-303.3,**

**19.2-310.2, and 53.1-145 amended. DNA analysis and data bank; collection of DNA samples.** Provides that the Department of Forensic Science shall, on a weekly basis, provide to the Local Inmate Data System (LIDS) the most current information submitted to the DNA data bank that it maintains regarding persons who are required to submit a blood, saliva, or tissue sample for DNA analysis pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2, as well as removing from LIDS and the data bank persons who are no longer eligible to be in the data bank. The Department of Forensic Science and the Department of Corrections shall, on a quarterly basis, compare the databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank and, if a person is not identified in the DNA data bank, the Department of Corrections shall require the person to submit a DNA sample. The bill also provides that a person who is required to submit a DNA sample is not relieved from the requirement to submit a DNA sample because a sample was not taken or, if taken, because a sample cannot be located in the DNA data bank. The fee for taking a DNA sample may be charged only one time regardless of the number of samples taken. The bill also provides that prior to or upon sentencing, the clerk of court is responsible for reviewing LIDS to determine whether a DNA sample has been submitted if the clerk has electronic access to LIDS in the courtroom. If electronic access is not available, or if the clerk determines that no DNA sample is stored in the DNA data bank, the court shall order that person required to submit a DNA sample to appear within 30 days to allow a sample to be taken by the sheriff or probation officer. If the person required to submit a sample fails to appear, the sheriff or probation officer shall report this failure to the court. The bill also provides that probation and parole officers, community-based probation programs, and sheriffs and regional jailers are required to review LIDS upon intake and again prior to discharge of an offender who is required to submit a DNA sample to determine whether a sample has been taken. If it is determined that no DNA sample has been taken, then the person shall be required to submit a sample for DNA analysis. Probation and parole officers are also required to take a DNA sample or verify that a DNA sample has been submitted to the DNA data bank for every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that would be considered a felony if committed in Virginia. Probation and parole officers in cases involving juvenile offenders who are required to submit a DNA sample for analysis pursuant to § 16.1-299.1 also must determine whether a sample has been taken by reviewing LIDS upon intake and again prior to discharge and, if no sample has been taken, shall require the offender to submit a DNA sample for analysis. The bill also provides that the Department of Juvenile Justice shall verify that a DNA sample for an offender has been received by the Department of Forensic Science and, if no sample has been received, notify the court which shall then order that a sample be submitted for DNA analysis. The use of a DNA sample contained in the data bank that was taken or retained in good faith does not invalidate the use of the sam-

ple and any detention, arrest, or conviction of a person resulting from the use of the sample shall not be invalidated. The bill also provides that the Secretary of Public Safety shall review the procedures for the collection of DNA samples and submit a status report by November 1, 2007, to the Chairmen of the House Appropriations Committee, the Senate Finance Committee, the House Committee for Courts of Justice, and the Senate Committee for Courts of Justice. HB 3034; CH. 528.

**§§ 19.2-327.5, 19.2-327.13, and 19.2-392.2 amended. Expungement of police and court records.** Requires the appellate court that grants a writ of actual innocence to forward a copy of the order to the circuit court, where an order of expungement shall be immediately granted. If a person has been granted an absolute pardon by the Governor for a crime he did not commit and files a petition for expungement, the expungement is automatic. HB 2959; CH. 883.

**§§ 19.2-327.5, 19.2-327.13, and 19.2-392.2 amended. Expungement of police and court records.** Provides for an automatic expungement if a conviction has been vacated pursuant to a writ of actual innocence and requires that electronic records be included in the expungement. HB 2076; CH. 465/SB 880; CH. 905.

**§§ 19.2-327.5, 19.2-327.13, and 19.2-392.2 amended. Expungement of police and court records.** Provides for an automatic expungement if a conviction has been vacated pursuant to a writ of actual innocence and requires that electronic records be included in the expungement. The bill also provides that an expungement order is voidable upon motion and notice made within three years of the entry of the order where the court or parties failed to strictly comply with statutory provisions or the court enters an order of expungement contrary to law. SB 1223; CH. 824.

**§ 19.2-349 amended. Criminal procedure; collection of unpaid fines and costs.** Authorizes private attorneys and collection agencies, pursuant to an agreement with the Commonwealth, to be given access to a defendant's social security number to assist in the collection effort of unpaid fines, costs, forfeitures, and penalties. Also subjects such private attorneys to the identity theft provisions in § 18.2-186.3. SB 873; CH. 551.

**§ 19.2-368.11:1 amended. Compensation for crime victims.** Increases the maximum amount that can be paid out for a claim under the Criminal Injuries Compensation Fund from \$15,000 to \$25,000. SB 1177; CH. 381.

**§§ 19.2-386.28 and 19.2-386.29.** See § 18.2-57.02; HB 2853.

**§ 19.2-389.** See § 63.2-1505; HB 2517.

**§ 19.2-389 amended. Criminal history record information.** Provides that the requirement that the person on whom the data is being obtained consent under oath to a request for his criminal history record information does not apply if an employer or prospective employer makes a written request and the person on whom the data is being obtained consented in writing and

presented a photo-identification to the employer. SB 800; CH. 361.

**§ 19.2-389 amended. Criminal history record information.** Allows criminal history record information to be disseminated to the Department of Medical Assistance Services or its designee for the purpose of screening individuals who provide transportation services to enrollees in Medicaid, FAMIS, or other programs administered by the Department. SB 1195; CH. 12.

**§ 19.2-389 amended; § 63.2-1601.1 added. Criminal history check for providers of services to adults.** Allows public agencies when and as required to do so by federal or state law to investigate criminal history record information of (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis. The bill also allows local boards of social services to obtain, in emergency circumstances, such information from a criminal justice agency. SB 1207; CH. 572.

**§ 19.2-409 amended. Tolling of speedy trial statute.** Provides that the tolling of the speedy trial law already in place during the pendency of a pretrial appeal by the Commonwealth is extended by 60 days (following mandate by the appellate court) to allow for issuance of trial witness subpoenas by the Commonwealth. HB 2569; CH. 414.

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## TITLE 20. DOMESTIC RELATIONS.

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**§ 20-79.3 amended. Income deduction order; remitting payments.** Requires that all employers with at least 100 employees and payroll processing firms with at least 50 clients remit support payments under income deduction orders via electronic funds transfer. SB 945; CH. 557.

**§ 20-103.** See § 16.1-253.1; HB 2576.

**§ 20-108.1.** See § 8.01-512.4; HB 2528.

**§ 20-111.1 amended. Revocation of death benefits by divorce; federal preemption.** Provides that, in the event that federal preemption causes a person to, not for value, receive any death benefit to which he is not entitled under § 20-111.1 (revocation of death benefits by divorce or annulment), the improper recipient shall be liable for the amount received to the person who would have received the benefit had the statute not been preempted. HB 2830; CH. 306.

**§ 20-121.03.** See § 2.2-3703; HB 2062/SB 824.

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**TITLE 21. DRAINAGE, SOIL  
CONSERVATION, SANITATION AND PUBLIC  
FACILITIES DISTRICTS.**

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§§ 21-118.2 and 21-119. See § 15.2-912.1; HB 2928.

§ 21-122.1. See § 10.1-404; HB 3113/SB 1403.

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**TITLE 22.1. EDUCATION.**

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**§ 22.1-3.1 amended; § 23-2.1:2 added. Student information; public schools, public institutions of higher education.** Authorizes public schools and public institutions of higher education in Virginia to retain copies of enrolled students' birth certificates as part of the students' records. HB 2893; CH. 49.

**§ 22.1-5 amended. Regulations concerning admission of certain persons to schools; tuition charges.** Eliminates the requirement that a student must have been attending a public school in the Commonwealth while residing with his custodial parent prior to the parent's deployment outside the United States in order to attend school without paying tuition. The bill clarifies that children of parents who have been deployed outside the United States may continue to attend school in the Virginia school division they attended immediately prior to the deployment without paying tuition. The bill eliminates the conflict between § 22.1-3 and § 22.1-5. HB 2092; CH. 42.

**§§ 22.1-23 and 32.1-19 amended. Childhood obesity.** Requires the Superintendent of Public Instruction and the State Health Commissioner to work together to combat childhood obesity and other chronic health conditions that affect school-age children. HB 2214; CH. 43/SB 974; CH. 55.

**§§ 22.1-26 and 22.1-118 amended. Management of funds for a joint school; fiscal agent.** Authorizes the participating school boards of a joint school, including academic year Governor's Schools operated by two or more school divisions, to select the fiscal agent for the joint school from among the treasurers of the participating localities. The participating school boards must agree and the respective local governing bodies must approve any such selection. HB 2371; CH. 45 (effective 2/19/07).

**§ 22.1-32 amended. Salary of school board members.** Increases the annual salary of members of the Northampton County School Board from \$1,800 to \$3,000. SB 902; CH. 53.

**§§ 22.1-57.3 and 22.1-75 amended. Local school boards; tie vote procedure.** Authorizes any popularly elected school board to appoint a qualified voter who is a resident of the county, city, or town to cast the deciding vote in case of a tie vote of the school board. HB 1810; CH. 100.

§§ 22.1-118 and 22.1-129. See § 15.2-912.1; HB 2928.

**§§ 22.1-146, 22.1-148, 22.1-151, 22.1-153, and 22.1-161 amended; §§ 22.1-154 through 22.1-157 repealed. Literary Fund.** Provides that a school board's application to the Board of Education for a loan from the Literary Fund must be authorized by the governing body and the school board. The Board may not disburse any proceeds of any approved loan before its receipt of the concurrent approval of the governing body at the time of initial disbursement and an acceptable opinion of bond counsel obtained by the local governing body as to the validity of the loan. The bill also repeals §§ 22.1-154 through 22.1-157, that provide for: (i) the examination of title to property on application for loan, (ii) the certificate of the clerk of court or copy of lease on the application for a loan, and (iii) the submission of the application and certificate of title to the Attorney General. HB 2350; CH. 121.

**§ 22.1-176.1 added. Transportation services for nonpublic schools.** Permits local school boards to enter into agreements with nonpublic schools in the school division to provide student transportation for a fee to and from the nonpublic schools. HB 2302; CH. 476.

**§ 22.1-177 amended. School bus safety hotline.** Provides that local school boards may display decals relating to local school division bus safety hotlines. Local school divisions must bear the cost of such decals. HB 1920; CH. 104.

**§ 22.1-205 amended. Driver education programs and fees.** Provides that the Board of Education may authorize a local school board's request to assess a surcharge in order to further recover program costs that exceed state funds distributed through basic aid to school divisions offering driver education programs. HB 2216; CH. 278.

**§ 22.1-207.1 amended. Family life education.** Requires the Board of Education to incorporate instruction on dating violence and the characteristics of abusive relationships into its curriculum guidelines for family life education. HB 1916; CH. 32.

**§ 22.1-212.5:1 added. Public Charter School Fund.** Establishes the Public Charter School Fund for the purposes of establishing or supporting public charter schools in the Commonwealth. The Board of Education must establish criteria for making distributions from the Fund to a public charter school requesting moneys from the Fund. HB 2311; CH. 118.

**§ 22.1-214 amended. Due process; students with disabilities.** Provides that due process procedures prescribed by the Board of Education must require that testimony be given under oath or affirmation administered by the hearing officer. HB 1962; CH. 33/SB 847; CH. 52.

**§§ 22.1-253.13:1 and 22.1-253.13:3 through 22.1-253.13:7 amended. Standards of Quality; changes in provisions.** Provides for the phasing out of the eighth grade cumulative history test in the 2007-2008 school year, and the implementation of the United States History to 1877, United States History: 1877 to the Present, and Civics and Economics tests in the 2008-2009 school year. Adds effective classroom management to the listing of professional development programs to be pro-

vided to teachers and principals. Requires local school divisions to post a current copy of the school division policies, including the Student Conduct Policy, on the local division's website while ensuring that printed copies of such policies are available, as needed, to citizens who do not have Internet access. Makes technical changes to Standards 1, 3, 4, 5, 6, and 7 of the Standards of Quality. SB 795; CH. 234.

**§ 22.1-253.13:4 amended. Standard 4; local school board reporting.** Requires local school boards to include in their annual report to the Board of Education, the number of career and technical education completers that graduated. The bill defines a "career and technical education completer" as a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program. HB 1978; CH. 34/SB 1148; CH. 56.

**§ 22.1-253.13:4 amended. Technical diploma; established.** Directs the Board of Education to establish the requirements for a technical diploma. The diploma must meet or exceed the requirements of a standard diploma and include a concentration in career and technical education. Also provides for an advanced technical diploma if a student meets the requirements of an advanced studies diploma and completes a concentration in career and technical education. HB 2039; CH. 859/SB 1147; CH. 919.

**§ 22.1-253.13:4 amended. Civics education diploma seal.** Clarifies that the Board of Education must include the types of activities that qualify as community service and the number of hours required in its criteria for voluntary participation in community service or extracurricular activities. SB 751; CH. 351.

**§ 22.1-279.8 amended. School crisis, emergency management, and medical emergency response plans.** Requires that local school boards annually review the written school crisis, emergency management, and medical emergency response plans and that the local division certify that review in writing to the Virginia Center on School Safety no later than August 31 of each year. HB 2271; CH. 44.

**§ 22.1-287 amended. Student records; disclosure.** Provides that the principal or his designee may disclose identifying information from a pupil's scholastic record for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. Identifying information may be disclosed to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. HB 2631; CH. 48/SB 915; CH. 555.

**§ 22.1-290.01 amended. Virginia Teaching Scholarship Loan Program; revisions.** Revises and reorganizes the section to make it consistent with language in the general appropriation act. The bill revises the intent of the Program, so that it is established to (i) increase the number of teacher candidates pursuing careers in critical teacher shortage areas, as defined

by the Board of Education; (ii) expand eligibility to teacher candidates, including graduate students and paraprofessionals, enrolled full-time or part-time in approved teacher education programs; and (iii) increase diversity of persons pursuing careers in teaching, including male teacher candidates enrolled in elementary or middle school education programs and minority teacher candidates enrolled in any teaching endorsement area. The bill also eliminates the Diversity in Teaching Initiative, as it has not been funded. HB 1913; CH. 31.

**§ 22.1-296.1 amended. Local school boards; contractors.** Provides that as a condition of awarding a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours, the school board must require the contractor to provide certification that all employees who will have direct contact with students have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child. The bill also provides that the requirement be waived in emergency situations when it is reasonably anticipated that the contractor or his employees will have no direct contact with students. HB 1707; CH. 431/SB 1346; CH. 245.

**§ 22.1-341 amended. Board of Correctional Education; composition.** Requires the Governor to endeavor to select qualified appointees for the Board of Correctional Education. Modifies the ex officio membership of the Board by removing the chairman of the Virginia Parole Board and adding the Assistant Superintendent for Special Education and Student Services in the Department of Education and the Chancellor of the Virginia Community College System. Also, the bill allows ex officio members to designate someone to serve in their place. A second enactment clause ensures that notwithstanding the provisions of the bill, members appointed prior to July 1, 2007 will serve until the expiration of their terms. HB 2628; CH. 72.

**§ 22.1-343 amended. Department of Correctional Education; online learning.** Empowers the Department to develop programs for restricted Internet access to online higher education courses by incarcerated persons. HB 2041; CH. 63.

**§ 22.1-343 amended. Department of Correctional Education; online learning.** Empowers the Board of Correctional Education to develop programs to provide restricted Internet access to online secondary education or adult education and literacy programs leading to a diploma or the General Education Development (GED) program and testing. HB 3191; CH. 142.

**§ 22.1-343 amended. Department of Correctional Education; videoconferencing.** Empowers the Department to provide access to postsecondary education that includes college credit, certification through an accredited vocational training program, or other accredited continuing education program, using videoconferencing technology. SB 953; CH. 149.

**§ 22.1-344.1 amended. Prisoners; identification of learning disabilities.** Provides that the Superintendent of the Department of Correctional Education, in cooperation with the

Department of Corrections, shall create a system for identifying prisoners with learning disabilities. HB 2625; CH. 125.

**§ 22.1-344.1 amended. Department of Correctional Education; literacy program.** Raises the standard of the functional literacy program from the eighth grade level to the twelfth grade or GED level. The bill also requires the program to include a strategic plan for encouraging enrollment in college or an accredited vocational training program or other accredited continuing education program. HB 2627; CH. 71.

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## TITLE 22.1. MISCELLANEOUS - EDUCATION.

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**No Child Left Behind.** Requires the Board of Education to continue seeking waivers from the provisions of NCLB that are fiscally and programmatically burdensome and are not instructionally sound or in the best interest of children. Also requires the Board to report on the status of all such waivers by October 1, 2007; this report is to be transmitted to the Virginia Congressional delegation for its consideration in the reauthorization of the Elementary and Secondary Education Act. The Board must make a recommendation regarding Virginia's continued implementation of such Act and if the Commonwealth withdraws from NCLB, the bill allows the Board and Office of the Attorney General of Virginia to bring suit against the United States Department of Education if federal funds are inappropriately withheld as a result of the withdrawal. HB 2542; CH. 123 /SB 1212; CH. 730.

**Board of Education; commemoration of Veterans Day.** Requires the Board of Education to make information available to local school divisions regarding the commemoration of Veterans Day. HB 2601; CH. 124.

**Public education; George Washington's birthday.** Requires the Department of Education to make information available to local school divisions regarding the commemoration of George Washington's birthday. HB 2837; CH. 132.

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## TITLE 23. EDUCATIONAL INSTITUTIONS.

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**§ 23-2.1:2.** See § 22.1-3.1; HB 2893.

**§ 23-4.2:1 added. Private institutions of higher education benefits consortium.** Authorizes five or more private educational institutions to form a benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan. The benefits consortium will be a nonstock corporation that will operate a benefits plan to be governed by and subject to the provisions of the federal Employee Retirement Income Security Act of 1974. The benefits consortium will be exempt

from taxation and from insurance regulations. HB 3021; CH. 136.

**§ 23-7.4 amended. In-state tuition; dependents of certain military personnel.** Clarifies the eligibility for in-state tuition for dependents of certain military personnel. HB 1996; CH. 108.

**§ 23-7.4 amended. Eligibility for in-state tuition; dependents of active duty personnel.** Expands the eligibility for in-state tuition to dependents of active duty military personnel assigned to a permanent duty station in a state contiguous to Virginia or the District of Columbia, but who reside in Virginia. HB 2438; CH. 491.

**§ 23-7.4:1 amended. Virginia Military Survivors and Dependents Education Program.** Clarifies that qualified survivors and dependents who have been admitted to a public institution of higher education must be admitted free of tuition and all required fees. Establishes the Virginia Military Survivors and Dependents Education Fund to provide financial assistance for board and room charges, books and supplies, and other expenses. The State Council of Higher Education for Virginia is responsible for disbursing funds appropriated or otherwise made available to support the Fund. HB 2179; CH. 116/SB 1044; CH. 717.

**§ 23-7.4:1 amended. Waiver of tuition for children and spouses of certain public safety personnel.** Includes the spouses and children of members of the Virginia National Guard or members of the Virginia State Defense Force killed in the line of duty among the beneficiaries entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education in Virginia. SB 1187; CH. 161.

**§ 23-7.4:2 amended. Reduced tuition; certain members of the military.** Provides that any active duty members, activated guard or reservist members, or guard or reservist members mobilized or on temporary active orders for six months or more, that are either stationed or assigned by their military service to a work location in Virginia, and residing in Virginia, shall pay tuition to the public institution of higher education in which they are enrolled an amount no more than the amount covered by their military service Tuition Assistance program or the institution's in-state tuition rate, whichever is greater. HB 1822; CH. 102.

**§ 23-7.4:2 amended. In-state tuition; reciprocity.** Requires the governing board of the Virginia Community College System to grant in-state tuition to any person enrolled in one of the System's institutions who lives out of state, but within a 30-mile radius of a Virginia community college, provided his state of residence has a reciprocal arrangement for Virginia residents. HB 2114; CH. 112/SB 755; CH. 76.

**§ 23-9.2:3.02 amended. Higher education; articulation agreements.** Requires the State Council of Higher Education for Virginia to submit an annual report to the Senate Committee on Education and Health and the House Committee on Education specifying the total number of transfer students from the Virginia Community College System that each institution



of higher education admitted, enrolled, and graduated. HB 2408; CH. 46.

**§ 23-9.2:3.5 amended. Economic education and financial literacy programs at institutions of higher education.** Expands the subjects that may be covered in student life skills programs to include savings and investments, predatory lending practices and interest rates, consumer fraud, and identity theft and protection. HB 2513; CH. 47.

**§ 23-9.2:8 added. Institutions of higher education; policies.** Directs the governing boards of each public institution of higher education to develop and implement policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students that exhibit suicidal tendencies or behavior. HB 3064; CH. 705.

**§ 23-9.9:01.** See § 2.2-1111; HB 2137.

**§§ 23-38.10:8 through 23-38.10:13 added. Two-Year College Transfer Grant Program.** Establishes the Two-Year College Transfer Grant Program for the purpose of providing higher education grants of up to \$2,000 per year to domiciles of Virginia who have successfully completed an acceptable associate degree program at a public two-year institution of higher education. The State Council of Higher Education (SCHEV) must promulgate necessary and appropriate regulations for its administration. To be eligible to receive a grant, a student must (i) have received an associate degree at a Virginia two-year public institution of higher education, (ii) have enrolled in a Virginia four-year public or private institution of higher education by the fall following the award of the associate degree, (iii) have applied for financial aid, and (iv) have financial need. Eligibility is limited to three academic years or 70 credit hours. HB 1681; CH.850/SB 749; CH. 899.

**§§ 23-38.95 and 23-50.16:32.** See § 2.2-3701; SB 1001.

**§§ 2.2-4343 and 23-76.1 amended. Board of Visitors of the University of Virginia.** Authorizes the board of visitors of the University of Virginia to invest and manage nongeneral fund reserves and balances as well as local funds of or held by the University. Exempts members of the board of visitors from personal liability for losses suffered by investment of nongeneral fund reserves and balances or local funds of or held by the University. The bill also exempts the investment and management of nongeneral fund reserves and balances and local funds of or held by the University from the Virginia Public Procurement Act. Finally, the bill allows the nongeneral fund reserves and balances and local funds of or held by the University to be invested or reinvested in derivatives, options, and financial securities. An enactment clause clarifies that the University shall not invest revenues from tuition and educational fees that are used or required for the day-to-day operations of the University in other than cash accounts and fixed income securities. HB 1740; CH. 434.

**§ 23-155.05.** See § 15.2-1133; HB 2799/SB 1306.

**§ 23-155.4 amended. Radford University; board of visitors.** Expands the number of members to be appointed by the Governor to the Radford University board of visitors from 11 to 15 and provides that appointments for the new seats are either three- or four-year terms, but that all successors must be appointed for four-year terms. The bill also removes obsolete language. HB 2236; CH. 471/SB 1162; CH. 727.

**§ 23-276.1 amended. Higher Education; private and out-of-state institutions of higher education.** Defines "continuing or professional education." HB 2154; CH. 115/SB 1279; CH. 82.

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## TITLE 23. MISCELLANEOUS - EDUCATIONAL INSTITUTIONS.

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**Old Dominion University; Virginia Beach Higher Education Center.** Authorizes the board of visitors of Old Dominion University to offer graduate, and lower and upper level undergraduate courses of study at the Virginia Beach Higher Education Center. The bill contains an emergency enactment clause making the bill effective upon passage, and a sunset clause providing that the bill must expire July 1, 2007. HB 3018; CH. 3 (effective 2/16/07).

**Hampton University; amending incorporation.** Amends the Act of Assembly incorporating Hampton University to expand the purpose of the University. SB 1425; CH. 585.

**The Miller School of Albemarle.** Eliminates the provision of the Act that provides for members of the Board of Trustees of the Miller School to be appointed. All members shall now be elected by the Board according to its bylaws. HB 2342; CH. 195.

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## TITLE 24.2. ELECTIONS.

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**§§ 24.2-101, 24.2-107, 24.2-442, 24.2-443.3, 24.2-444 amended. Elections; voter registration records.** Clarifies the duties of local electoral boards, general registrars, and the State Board of Elections regarding voter registration records and exceptions from public inspection. Requires the State Board to provide general registrars with lists of registered voters and persons denied registration for public inspection. HB 1642; CH. 311.

**§ 24.2-102 amended. State Board of Elections.** Prohibits a board member from running for an elected office, serving as a political party committee chairman, or being a paid worker for a candidate campaigning for elected office. SB 736; CH. 350.

**§ 24.2-105.1 amended. Elections; voter participation; information provided by State Board of Elections.** Requires the State Board of Elections to continue its current practice of pro-

viding elections results and statistical information on its website. Requires calculation and report on voter turnout to exclude voters assigned to inactive status. Voters are assigned to inactive status pursuant to §§ 24.2-428 and 24.2-428.1 if they fail to respond within 30 days to a notice issued by general registrar or other specified events. HB 3025; CH. 340.

§§ 24.2-107, 24.2-405, 24.2-406, 24.2-407.1, 24.2-411.1, 24.2-411.2, 24.2-416.5, 24.2-427, 24.2-444, 24.2-533, 24.2-706, and 24.2-1002.1 amended. **Elections; voter registration records; authorize matching with lists of other states; State Board of Elections to develop security policies and make annual report.** Authorizes the State Board of Elections to furnish voter lists to other states with protections for privacy of voter social security numbers. Authorizes cancellation of voter registration based on information from registration officials of other states. Makes conforming changes to sections referring to social security numbers to prohibit disclosure of parts of numbers. Requires the State Board of Elections to (i) approve security procedures for transmitting voter lists to other states' Chief Election Officers, and (ii) monitor implementation with annual statistical reporting to the General Assembly starting July 1, 2008. HB 2141; CH. 318.

§ 24.2-112. See § 15.2-912.1; HB 2928.

§ 24.2-231 amended. **Forfeiture of office for persons convicted of certain crimes.** Provides that any person holding public office who is convicted of any offense that requires registration on the Sex Offender and Crimes Against Minors Registry, as defined in § 9.1-902, and for whom all rights of appeal under Virginia law have expired, shall forfeit the public office. HB 1625; CH. 175.

§ 24.2-303.2 amended. **Senatorial districts.** Makes a technical adjustment between the Fifteenth and Twenty-third districts in Amherst County so as to eliminate a split precinct. SB 1307; CH. 166.

§ 24.2-604 amended. **Elections; polling place activities and restrictions; pollwatchers.** Allows officers of election discretion to permit up to three representatives of each party or candidate to remain in the polling place to observe the election in all cases. Present law requires allowing presence of at least one representative per party or candidate or, if the poll book is divided into sections, one representative per section not to exceed three representatives per party or candidate at the same time. HB 2818; CH. 672.

§§ 24.2-625.1 and 24.2-629 amended. **Electronic voting equipment; security.** Requires local electoral boards to develop plans and procedures to ensure the security of electronic voting systems. Requires the general registrar and State Board of Elections to provide assistance in the development of these plans, upon request. The bill also requires vendors of electronic voting systems to provide written best practices about the secure use of the systems when applying for certification in the Commonwealth and to annually update these practices once certified. SB 1226; CH. 794.

§§ 24.2-626 and 24.2-802 amended; §§ 24.2-625.2 and

24.2-626.1 added. **Election procedures; voting equipment requirements; recounts.** Prohibits future purchases of direct recording electronic (DRE) devices; and provides for the phase out of DRE devices as the devices now in operation wear out. Prohibits any form of wireless communication to or from voting or counting devices while polls are open on election day. Requires localities to provide accessible equipment for disabled voters. The bill deletes obsolete references to mechanical voting equipment and punchcard devices. HB 2707; CH. 939/SB 840; CH. 943.

§ 24.2-651 amended. **Elections; challenges to voters at the polls.** Provides that a person challenging a person's right to vote at the polls shall complete a form and indicate the reason for his challenge. Expands grounds for challenge to include that the person (i) is not who he represents himself to be, or (ii) has already voted. Corrects affirmation required of challenged voter to include town residency for town elections. SB 1034; CH. 375.

§ 24.2-653 amended. **Elections; persons not listed in poll book; application for registration and provisional ballot.** Requires officers of election to provide persons offering to vote not listed in poll book an application for registration along with a provisional ballot. Allows counting the provisional ballot if the voter or State Board of Elections proves that a timely registration application was submitted to another state-designated registration agency and the registrar determines the voter is qualified based on the application provided when he offered to vote. HB 3168; CH. 692.

§§ 24.2-668 and 24.2-802 amended. **Elections; recount procedures.** Provides for the securing by the circuit court clerks of ballots and election materials after an election and pending a recount. HB 2354; CH. 285.

§ 24.2-701 amended. **Elections; applications for absentee ballots.** Requires that applications for absentee ballots contain the last four digits of the applicant's social security number. HB 1935; CH. 315.

§ 24.2-709.1 added. **Absentee voting; alternative procedures to expedite counting preparations.** Authorizes the electoral board to give the general registrar the option to expedite preparations for counting optical scan absentee ballots returned by mail. The board can authorize verifying completion of the required affirmation, marking the poll book, and inserting ballots in optical scan equipment in the presence of officers of election representing both parties without initiating any vote counts. Prohibits persons present during the preparations from disclosing any information concerning the ballots. HB 2287; CH. 281/SB 1334; CH. 171.

§§ 24.2-945.1 and 24.2-945.2 amended. **Campaign finance disclosure; definitions; reporting requirements.** Codifies the "express advocacy" standard. The Virginia Supreme Court held in *Virginia Society for Human Life, Inc. v. Caldwell*, 256 Va. 151, 500 S.E.2d 814 (1998), that Virginia's campaign finance disclosure laws apply only to "express advocacy" and that the phrase "for the purpose of influencing the outcome of an elec-

tion” will be interpreted to mean “express advocacy.” This bill reflects a recommendation of the task force that assisted the State Board of Elections in conducting a review in 2005 of the Campaign Finance Disclosure Act pursuant to House Joint Resolution 667 (2005). HB 2650; CH. 831.

**§§ 24.2-945.1 and 24.2-949.2 amended. Campaign finance; special registration provisions for certain committees.** Provides that the State Board of Elections shall not accept the statement of organization from or register a political action committee unless the PAC states that its primary purpose is to influence the outcome of nonfederal elections in Virginia. Makes conforming changes in the definitions pertaining to campaign finance. Defines "primary purpose" as meaning 50% or more of overall contributions made by a committee are made to Virginia registered campaigns and committees, excluding administrative expenses and transfers among affiliates. Applies to expenditures of funds received on or after July 1, 2007. HB 2852; CH. 246.

**§ 24.2-945.2 amended. Campaign finance; deadline for reports of independent expenditures; filings by political action and political party committees.** Requires filing independent expenditure reports by earlier of 24 hours after (i) making expenditure, or (ii) publishing or publicly broadcasting materials to influence voting for or against an identified candidate. Requires that independent expenditure reports filed by a political action committee or political party committee that has not yet filed a statement of organization provide the information required on a statement of organization. Current law allows a committee 10 days after it is organized to file its statement of organization. This bill requires a political action committee or political party committee that makes an independent expenditure during this 10-day period or any period during which the committee has not filed a statement of organization to file a report with complete information within 24 hours of spending funds or publishing or publicly broadcasting candidate-related materials. HB 2740; CH. 331.

**§§ 24.2-946.1, 24.2-947.1, 24.2-947.5, and 24.2-947.9 amended. Campaign finance disclosure; filings of candidate reports.** Requires the State Board of Elections to develop and implement a centralized system to accept reports from local office candidates by July 1, 2007. Local office candidates who file electronically with the State Board will not be required to file locally, and the State Board shall make the filings available promptly to the local electoral board. The bills take effect only if adequate funding or programming is available to implement the centralized system for accepting the local reports. HB 2386; CH. 286 (effective - see bill)/SB 1015; CH. 151 (effective - see bill).

**§ 24.2-952.7 amended. Campaign finance; inaugural committees; final report and surplus funds.** Provides that surplus inaugural committee funds shall be used only to return contributions to contributors or make charitable contributions. Applies to funds and receipts received by inaugural committees after July 1, 2007. Funds and receipts received before that date continue to be governed by prior law. HB 1977; CH. 622.

**§ 24.2-1005.1 added. Knowingly communicate false information to registered voter; penalty.** Makes it a Class 1 misdemeanor to knowingly communicate false information to a registered voter about the date, time, and place of the election or the voter’s precinct, polling place, or voter registration status in order to impede his voting. HB 1835; CH. 313.

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## TITLE 24.2. MISCELLANEOUS - ELECTIONS.

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**House of Delegates districts.** Makes a technical adjustment in the boundary line between the Ninety-seventh and Ninety-eighth districts within King William County in order that all of the town of West Point will be within the Ninety-eighth district. HB 2780; CH. 303.

**Page County School Board; referendum.** Provides for a referendum in the County at the November 2007 election on the question of whether the chairman of the school board should be elected by the County at large. SB 1232; CH. 795.

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## TITLE 25.1. EMINENT DOMAIN.

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**§ 25.1-108.** See § 1-237.1; HB 2954/SB 781/SB 1296.

**§§ 8.01-187, 8.01-345, 8.01-346, and 25.1-229 amended. Condemnation cases; jury selection.** Provides that jury selection in condemnation cases shall conform to the procedures established in Chapter 11 (§ 8.01-336 et seq.) of Title 8.01 and makes conforming changes to § 25.1-229. Five persons from a panel of not fewer than 13 jurors shall constitute a condemnation jury. This bill also provides that jury commissioners shall determine the freeholder status of all qualified jurors. HB 1800; CH. 450/SB 1068; CH. 720.

**§ 25.1-245 amended; § 25.1-417.1 added. Costs in a condemnation action; written appraisal report.** Requires the owner to provide a condemning party a written self contained or summary appraisal report, provided it is the same type of report furnished to the owner and complies with the requirements of the Uniform Standards of Professional Appraisal Practice, in order to obtain costs and fees under § 25.1-245 and creates § 24.1-417.1 whereby a property owner can receive a partial reimbursement of costs of a written self contained or summary appraisal report if no agreement can be reached when the offer made by the Department of Transportation exceeds \$250,000 or the owner contends that just compensation exceeds \$250,000. In order to be entitled to reimbursement, the owner must submit the appraisal report, which appraisal is equal to or greater than \$250,000, at least 60 days prior to trial. The court may, in its discretion, allow reimbursement in cases when the appraisal is less than \$250,000. HB 3199; CH. 895.

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## TITLE 26. FIDUCIARIES GENERALLY.

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§§ 26-40.01, 26-45.13, 31-48, and 55-34.7 amended. **Fiduciaries; presumption of prudence.** Clarifies when fiduciaries will receive the presumption of prudence in investing and extends the presumption to custodians and custodial trustees. The bill provides that the presumption of prudence in investing only applies to a fiduciary (i) in a calendar year in which the value of the intangible personal property under his management does not exceed \$100,000 at the beginning of the year, or (ii) who has obtained express authorization from a court with jurisdiction that the presumption of prudence in investing applies. HB 2767; CH. 517.

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## TITLE 27. FIRE PROTECTION.

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§ 27-23.1. See § 15.2-912.1; HB 2928.

§ 27-61, 27-97, 27-97.2, and 27-99. See § 9.1-201; HB 2356/SB 1132.

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## TITLE 28.2. FISHERIES AND HABITAT OF THE TIDAL WATERS.

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§ 28.2-106.1 amended. **Virginia Beach Police Department Marine Patrol and Virginia Marine Police; enforcement of federal security and safety zones and federal restricted areas.** Authorizes the Virginia Beach Police Department Marine Patrol to enforce federal security zones, federal safety zones, and federal restricted areas within the tidal waters in the Virginia Beach Police Department's jurisdiction. The bill also makes technical amendments to the Virginia Marine Police's existing authority to patrol and enforce these federal zones. SB 900; CH. 554.

§§ 28.2-302.2, 28.2-302.2:1, and 28.2-302.7:1 amended. **Agent's fee for saltwater fishing licenses.** Sets the commission fee for license agents who sell the saltwater recreational fishing license and the special combined sportfishing license at an amount equivalent to the amount established by the Board of Game and Inland Fisheries for agents who sell licenses by electronic or computerized means. The bill clarifies that license agents' fees are to be deducted from the saltwater recreational fishing license fees. The bill also removes some administrative procedures required when seeking a reissued license for a second boat. HB 1868; CH. 30.

§ 28.2-526 amended. **Oyster measures.** Shifts the measurement of oysters from the point of sale to the point of landing for the purpose of enforcing that the catches are sold by the full bushel or half-bushel. HB 1993; CH. 36.

§ 28.2-603 amended; §§ 28.2-603.1 and 28.2-603.2 added. **Aquaculture.** Requires the Marine Resources Commission to develop a general permit for the placement of temporary shellfish enclosures in state waters. The general permit will include provisions to ensure that enclosures may be easily located and removed if (i) a threat to navigation arises, (ii) the enclosure is idle, or (iii) the lease conditions are otherwise violated. HB 1855; CH. 28/SB 1333; CH. 170.

§§ 28.2-638, 28.2-1100, 28.2-1205, 28.2-1205.1, 28.2-1302, and 28.2-1403. See § 10.1-404; HB 3113/SB 1403.

§§ 2.2-4002 and 2.2-4103 amended; § 28.2-1000.2 added. **Harvest quota on menhaden; penalty.** Establishes an annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay. Fisheries shall receive a credit to be applied in the following year if the actual harvest does not meet the harvest quota and a deduction if the actual harvest exceeds the harvest quota. Orders by the Secretary of Natural Resources setting a date of closure for the fishery will be exempt from the requirements of the Administrative Process Act. Any person harvesting menhaden for reduction purposes after receiving notice that the quota has been met shall be guilty of a Class 1 misdemeanor. HB 2082; CH. 41.

§ 28.2-1001 amended; § 28.2-1007 added. **Potomac River Fisheries Commission.** Raises the daily compensation and reimbursement of Commissioners from \$25 to \$250; grants Commission retirees eligibility to participate in health and related insurances available to state employees; and extends the regulatory jurisdiction of the Commission to the leasing of bottomlands and water columns in the Potomac River. The bill does not become effective until Maryland enacts similar provisions and the Governors of both states declare the respective acts effective. HB 3037; CH. 885 (effective - see bill).

§ 28.2-1200.1 added. **Conveyance of state-owned bottomlands.** Clarifies that it shall be the policy of the Commonwealth to convey only limited interests to state-owned bottomlands covered by state waters and to convey state-owned bottomlands covered by fill provided that such lands were lawfully filled. Purchasers of filled land will compensate the Commonwealth in an amount equal to 25% of the assessed value of the land being conveyed. In unique situations, the Marine Resources Commission may consider compensation to the Commonwealth in an amount less than 25% of the assessed value of the land being conveyed. The provisions of the bill shall not affect any pending litigation. HB 2782; CH. 879.

§ 28.2-1203 amended. **Recreational gold mining.** Exempts recreational gold miners from having to obtain a permit from the Virginia Marine Resources Commission if they meet certain conditions. HB 1720; CH. 25.

§ 28.2-1507. See § 2.2-4001; HB 2537.

§ 28.2-1507. See § 2.2-4001; SB 1139.

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## TITLE 28.2. MISCELLANEOUS - FISHERIES AND HABITAT OF THE TIDAL WATERS.

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**Conveyance of subaqueous land.** Authorizes the Marine Resources Commission to convey a parcel of state-owned bottomlands in the Elizabeth River in Norfolk to a private corporation. The grantee shall compensate the Commonwealth in an amount equal to 25% of the assessed value of the land being conveyed, unless the Marine Resources Commission were to determine that unique circumstances warrant compensation in an amount less than 25% of the assessed value. The terms and conditions of the conveyance shall be approved by the Governor and the conveyance shall be in a form approved by the Attorney General. HB 2990; CH. 884.

**Property conveyance.** Authorizes the Virginia Marine Resources Commission to grant easements and rights-of-way to Virginia Natural Gas, Inc., across the beds of the James River/Hampton Roads Harbor and the Elizabeth River Reach for the construction of a natural gas pipeline. HB 3005; CH. 50 (effective 2/19/07).

**Conveyance of state-owned bottomlands in Hampton.** Authorizes the Marine Resources Commission to convey three parcels of state-owned bottomlands consisting of 1,200 square feet, 10,900 square feet, and 22,400 square feet to private parties. The grantees shall compensate the Commonwealth in an amount equal to 25% of the assessed value of the land being conveyed, unless the Marine Resources Commission were to determine that unique circumstances warrant compensation in an amount less than 25% of the assessed value. The terms and conditions of the conveyance shall be approved by the Governor and the conveyance shall be in a form approved by the Attorney General. HB 2642; CH. 875/SB 1367; CH. 83.

**Conveyance of state-owned bottomlands.** Clarifies that the three parties who were authorized in 2006 to receive conveyances of parcels of state-owned bottomlands located in the City of Norfolk shall compensate the Commonwealth in an amount equal to 25% of the assessed value of the land being conveyed, unless the Marine Resources Commission were to determine that unique circumstances warrant compensation in an amount less than 25% of the assessed value. HB 2203; CH. 862.

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## TITLE 29.1. GAME, INLAND FISHERIES AND BOATING.

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**§ 29.1-103 amended. Hunting fees for nonresidents.** Authorizes the Board of Game and Inland Fisheries to increase or decrease the hunting license fees for nonresidents up to \$50 every three years. HB 1981; CH. 35.

**§ 29.1-103 amended. Loss of hunting lands.** Establishes a policy that there will be no net loss of public lands on which hunting occurs. SB 882; CH. 906.

**§§ 3.1-1029, 9.1-101, 9.1-400, 9.1-500, 9.1-801, 18.2-51.1, 18.2-283.1, 18.2-287.01, 18.2-308, 29.1-200, 29.1-201, 29.1-204, 29.1-205, 29.1-207, 29.1-208, 29.1-212, 29.1-213, 29.1-217, 29.1-218, 29.1-300.2, 29.1-337, 29.1-349, 29.1-355, 29.1-516, 29.1-517, 29.1-521.3, 29.1-530, 29.1-539, 29.1-548, 29.1-552, 29.1-553, 29.1-556, 29.1-739, 29.1-739.1, 29.1-739.2, 29.1-745, 51.1-212, and 65.2-402.1 amended. Game wardens.** Replaces the term "game warden" with "conservation police officer" throughout the Code of Virginia. HB 1867; CH. 87.

**§§ 29.1-213 and 29.1-214.** See § 10.1-404; HB 3113/SB 1403.

**§§ 29.1-303.3 and 29.1-310.1 amended. Crossbow license.** Adds the crossbow license to those licenses that are covered by the two combination licenses: the youth resident and nonresident combination hunting license and the sportsman's hunting and fishing license. HB 2021; CH. 40.

**§ 29.1-328 amended. National Forest Stamp.** Changes the term of the National Forest Stamp from January 1 to December 31 to one year from the date of purchase. This change is necessary with the implementation of the automated point-of-sale licensing system in which all licenses are now valid for one year from their date of purchase. HB 2020; CH. 39.

**§ 29.1-339.2 amended. Duck stamp.** Changes the term of the Virginia Migratory Waterfowl Conservation Stamp to the fiscal year (July 1-June 30). HB 2313; CH. 644.

**§ 29.1-348 amended. Waterfowl blind licenses.** Allows for the electronic transmission of applications for waterfowl blind licenses directly to the Department of Game and Inland Fisheries. HB 2019; CH. 38.

**§ 29.1-509 amended. Liability for owners of low-head dams.** Provides that owners of low-head dams who use signs and buoys to warn the public of the hazards of swimming, fishing, and boating activities near low-head dams will have met the duty of care for warning the public of hazards posed by the dam. HB 2695; CH. 664 (effective 1/1/08).

**§§ 29.1-514, 29.1-748.1, and 29.1-749.2.** See § 15.2-912.1; HB 2928.

**§ 29.1-519 amended. Use of shotguns.** Authorizes the Board of Game and Inland Fisheries to change the shotgun shell capacity through regulations. This bill also conforms the hours a person can hunt with a pistol, muzzle-loading pistol or revolver to the hours allowed to hunt with other weapons. HB 2309; CH. 643.

**§ 29.1-528 amended. Model firearms hunting ordinances.** Requires the Board of Game and Inland Fisheries to develop, through regulations, model ordinances for hunting with firearms. The ordinances developed by the Board are to address such items as the caliber of the firearm, the type of firearm, and

the type of ammunition. A county or city may adopt any of the model ordinances developed by the Board. HB 2308; CH. 642.

**§ 29.1-738.2 amended. Boating under the influence.** Makes the blood or breath testing protocol for boating under the influence (BUI) consistent with that used for driving under the influence (DUI). SB 1314; CH. 168.

**§ 29.1-748 amended; § 29.1-735.2 added. Mandatory boating safety education; civil penalty.** Makes it \$100 civil penalty for anyone to operate a motorboat with a motor of 10 horsepower or greater without having successfully completed an approved boating safety education course. The education requirement is phased-in so that by July 1, 2016, all motorboat operators will have been required to complete and pass the course or an equivalency exam. The Board is directed to develop and administer the boating safety education program through the promulgation of regulations, taking into account comments from the public. There are a number of ways a person can comply with the law other than successfully completing an approved course, such as passing an equivalency examination, possessing a valid license issued to maritime personnel, being registered as a commercial fisherman, etc. HB 1627; CH. 615/SB 1241; CH. 732.

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## TITLE 29.1. MISCELLANEOUS - GAME, INLAND FISHERIES AND BOATING.

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**Regulation of parasail operations.** Requires the Board of Game and Inland Fisheries to promulgate regulations applicable to the commercial operations of parasail operators on waters of the Commonwealth. HB 2031; CH. 625.

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## TITLE 30. GENERAL ASSEMBLY.

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**§ 30-19.1:4.** See § 19.2-80.2; HB 2858.

**§ 30-19.3 amended. General Assembly; prefilng of legislation.** Clarifies that following an election, legislation may be prefiled only by members and members-elect of the next regular session of the General Assembly. Current law allows a member of the General Assembly who is retiring or who was not re-elected to prefile legislation until the convening of the next regular session of the General Assembly when his or her term of office expires. HB 1796; CH. 442.

**§ 30-19.10 amended. Elections, referenda.** Requires legislation authorizing statewide bond referendum to include information about the referendum for distribution to voters. The information must include a neutral explanation about the proposed ballot question, or a fiscal impact statement for any bond referendum, presented in plain English. The fiscal impact statement must include descriptions of the need for and anti-

pated uses of the bond proceeds. The Division of Legislative Services, with the assistance of the Office of the Attorney General, must prepare the neutral explanation. The staffs of the House Committee on Appropriations and the Senate Committee Finance are directed to each prepare a fiscal impact statement for any bond referendum and assist the Division of Legislative Services in preparing the explanation. The State Board of Elections is required to publish the information by paid advertisement in daily newspapers with an average daily circulation of more than 50K in Virginia once during the week preceding the referendum. HB 2101; CH. 402.

**§ 30-58.4 added. Joint Legislative Audit and Review Commission; analysis of state agency budget submissions.** Requires the Joint Legislative Audit and Review Commission to conduct a pilot program to analyze and evaluate estimates submitted by state agencies and provided to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations for the biennial budget to ascertain that sums requested are appropriated based on the missions, operations, practices, and duties of such agencies. The Commission must report the results of the pilot program to the General Assembly in 2009. SB 1386; CH. 803.

**§ 30-111 amended. General Assembly Conflicts of Interests Act; disclosure form.** Modifies the reporting requirements in the Statement of Economic Interests for payments and reimbursements for attending meetings and creates a separate schedule to show payments and reimbursements by the Commonwealth for attending meetings outside the Commonwealth. HB 1936; CH. 620.

**§ 30-111 amended. The General Assembly Conflicts of Interests Act; disclosure form.** Modifies the form to clarify that the reporting of information on payments received for representing businesses before state agencies is treated separately from the reporting of information on payments received from businesses for other types of services. HB 2065; CH. 627.

**§ 30-133 amended. Auditor of Public Accounts.** Provides that the searchable database of state agency expenditures and revenues shall not include activity of private gifts, including endowment funds and unrestricted gifts received by state-supported institutions of higher education. The bill clarifies that all appropriated funds and other sources under the control of a state-supported institution of higher education shall be included in the database and that the exclusion of the private gifts activity shall not affect the public access to such records unless otherwise specifically exempted by law. SB 1284; CH. 577.

**§§ 30-151 and 30-152 amended. Code Commission; obsolete provisions and evaluation of unfunded laws.** Requires the Code Commission's review and reporting for the amendment or repeal of obsolete provisions in the Code of Virginia and the Virginia Acts of Assembly to occur at least every four years. Makes technical changes to the Commission's reporting requirements for recommending the repeal of certain unfunded provisions identified during the title revision process. HB 1623; CH. 614.

**§ 30-200.1 added. Advisory Council on Career and Technical Education; sunset.** Extends the sunset for the Advisory Council on Career and Technical Education until July 1, 2012. The bill repeals the second enactment clause of the Act creating the Council that set the original sunset date of July 1, 2007. HB 2040; CH. 401.

**§ 30-239 amended. Virginia Disability Commission Sunset.** Extends the sunset provision for the Virginia Disability Commission to 2012. This bill is a recommendation of the Disability Commission. HB 2051; CH. 459.

**§§ 30-278 through 30-283 added. Legislative Commission to study human trafficking.** Creates a legislative Commission for the purpose of developing and implementing a State Plan for the Prevention of Human Trafficking. HB 2923; CH. 525.

**§§ 30-278 through 30-282.** See § 58.1-605; HB 3202.

**§§ 56-575.1, 56-575.3:1, 56-575.4, and 56-575.16 amended; §§ 30-278 through 30-281 and 56-575.18 added. Public-Private Partnership Advisory Commission.** Establishes the Public-Private Partnership Advisory Commission to review and advise responsible public entities that are agencies or institutions of the Commonwealth on detailed proposals for qualifying projects under the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.). The bill also requires all responsible public entities to adopt guidelines to guide the selection of projects under the Public-Private Education Facilities and Infrastructure Act containing certain specified provisions. For responsible public entities that are not agencies or institutions of the Commonwealth, the guidelines must include a mechanism for the appropriating body to review the proposed comprehensive agreement prior to execution under certain circumstances. SB 756; CH. 764.

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## TITLE 31. GUARDIAN AND WARD.

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**§§ 31-37 and 31-50 amended. Transfers to minors act; custodial trusts.** Enables the custodian of a trust benefiting a minor to transfer property, after the minor has reached age 21, to a qualified minor's trust. Such a transfer has the effect of terminating the custodianship to the extent of the property transferred. HB 2831; CH. 307.

**§ 31-48.** See § 26-40.01; HB 2767.

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## TITLE 32.1. HEALTH.

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**§ 32.1-11.4 repealed. Worksite health promotion grants program.** Repeals § 32.1-11.4, relating to the worksite health promotion grants program. This bill is a recommendation of the Virginia Code Commission. HB 1690; CH. 4.

**§ 54.1-2403.01 amended; § 32.1-11.6 added. Pregnant Women Support Act.** Provides that, as a routine component of prenatal care, every licensed practitioner who renders prenatal care may provide information and support services to patients receiving a positive test diagnosis for Down Syndrome or other prenatally diagnosed conditions. This bill also creates the Virginia Pregnant Women Support Fund as a special nonreverting fund to be administered by the Board of Health to support women and families who are facing an unplanned pregnancy. HB 3183; CH. 822.

**§ 54.1-2403.01 amended; § 32.1-11.6 added. Pregnant Women Support Act.** Requires that, as a routine component of prenatal care, every licensed practitioner who renders prenatal care shall provide information and support services to patients receiving a positive test diagnosis for Down Syndrome or other prenatally diagnosed conditions. This bill also creates the Virginia Pregnant Women Support Fund as a special nonreverting fund to be administered by the Board of Health to support women and families who are facing an unplanned pregnancy. SB 1088; CH. 780.

**§ 32.1-19.** See § 22.1-23; HB 2214/SB 974.

**§ 32.1-19 amended. Health Commissioner; goals of licensure.** Requires the Commissioner to ensure, in the licensure of health care facilities, that quality of care, patient safety, and patient privacy are the overriding goals of such licensure and related enforcement efforts, to coordinate with the Department of Health's emergency preparedness and response efforts, and to ensure that prevention of disease and protection of public health remain the Department's overriding goals. HB 2378; CH. 320/SB 1240; CH. 797.

**§ 32.1-19 amended. Health Commissioner; minority health.** Requires the Commissioner to designate a senior staff member of the Department of Health, who shall be a licensed physician, to oversee minority health efforts of the Department. HB 3043; CH. 343.

**§ 32.1-19 amended. Health Commissioner; women's health.** Requires the Health Commissioner to designate a senior official of the Department, who shall be a licensed physician or nurse practitioner, to coordinate all women's health efforts in the Department. SB 1225; CH. 793.

**§§ 32.1-42.1, 32.1-48.06, 32.1-48.09, 32.1-48.010, 32.1-48.012 through 32.1-48.015, and 54.1-3408 amended; § 32.1-48.013:1 added. Emergency preparedness; orders of isolation and quarantine.** Makes several revisions to the procedures related to orders of quarantine and isolation. The bill also authorizes persons who are otherwise not authorized by law to administer or dispense all necessary drugs when the Governor has declared a disaster or a state of emergency and allows for electronic legal filings in order to protect the public from communicable diseases. HB 2845; CH. 699/SB 1108; CH. 783.

**§ 32.1-46 amended. Required vaccinations; adds human papillomavirus vaccine.** Requires females to receive three properly spaced doses of human papillomavirus (HPV) vac-

cine. The first dose shall be administered before the child enters the sixth grade. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his daughter not to receive this vaccine. This bill contains a delayed effective date of October 1, 2008. HB 2035; CH. 858./SB 1230; CH. 922.

**§ 32.1-46.1 amended. Lead poisoning prevention.** Requires the Board of Health to promulgate regulations to require physicians to make available to parents information on the dangers of lead poisoning, along with a list of available resources, as part of regular well check visits for all children. HB 3167; CH. 691.

**§§ 32.1-102.1 and 32.1-102.2 amended. Definition of projects that require certificate of public need.** Increases the amount of a capital expenditure not subject to the certificate of public need requirements from \$5 million to \$15 million. Also requires annual revision of this amount to reflect inflation beginning July 1, 2008. HB 2546; CH. 502.

**§ 32.1-102.13 repealed. Transition to elimination of medical care facilities certificate of public need.** Repeals § 32.1-102.13, relating to the transition to elimination of medical care facilities certificate of public need. This bill is a recommendation of the Virginia Code Commission. HB 1691; CH. 5.

**§ 32.1-111.3 amended. Statewide emergency medical care system.** Adds provisions for additional performance improvement measures. Adds requirement that the statewide Trauma Triage Plan be updated triennially. HB 2161; CH. 15.

**§§ 32.1-116.1 and 32.1-116.1:1 amended. Virginia Emergency Medical Services (EMS) Registry and Virginia Statewide Trauma Registry.** Creates the Virginia EMS Registry within the Emergency Medical Services Patient Care Information System to collect data previously collected by the prehospital patient care reporting procedure. Creates the Virginia Statewide Trauma Registry within the Emergency Medical Services Patient Care Information System to collect information on trauma injuries in the Commonwealth. HB 2211; CH. 13.

**§§ 9.1-914, 32.1-127, and 63.2-1732 amended. Sex offender registry; nursing homes and assisted living facilities.** Requires nursing homes, certified nursing facilities, and assisted living facilities to register with the Department of State Police to receive automatic notification of the registration of sex offenders within the same or a contiguous zip code area as the home or facility. The bill also requires such entities to ascertain, before admission, whether a potential admittee is a registered sex offender if it is anticipated that the admittee will stay for more than three days or if the admittee does in fact stay for more than three days. HB 2345; CH. 119/SB 1229; CH. 164.

**§ 32.1-127 amended. Hospital regulations; authorized visitor designation for hospital visitation.** Requires the Department of Health to establish regulations requiring each li-

censed hospital to include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to certain restrictions. HB 2730; CH. 516.

**§ 32.1-127.1:03 amended. Health records privacy; exceptions.** Creates an exception to an individual's right of privacy in the content of his health records so that health care entities may disclose records to law-enforcement officers for the purpose of identifying or locating a suspect, fugitive, person required to register with the Sex Offender and Crimes Against Minors Registry, material witness, or missing person. Specifies the type of information that may be disclosed. HB 2520; CH. 497.

**§§ 32.1-138 and 63.2-1808 amended. Sex offender registry notification; nursing homes and assisted living facilities.** Requires nursing homes and assisted living facilities, at the time a resident is admitted and during his stay, to provide the resident with notice of Virginia's sex offender registry, and how to access the registry on the State Police's website. The language is similar to the requirement in the Virginia Residential Property Disclosure Act. HB 2346; CH. 120/SB 1228; CH. 163.

**§§ 32.1-162.1, 32.1-162.3, 32.1-162.5, and 63.2-1806 amended. Assisted living facilities; certain hospices exempt.** Defines "hospice facility." Exempts hospice facilities with 16 or fewer beds from Certificate of Public Need laws and regulations. Provides that hospice facilities shall be licensed by the Department of Health and that regulations promulgated by the Board shall include standards for the care, treatment, health, safety, welfare and comfort of patients and their families served by the program. Eliminates existing provisions authorizing an entity licensed as a hospice to concurrently hold a license to operate as an assisted living facility and authorizing an entity licensed as an assisted living facility to concurrently hold a license as a hospice. HB 1965; CH. 397.

**§ 32.1-162.19 amended. Human research review committees; publication of results.** Provides that each human research review committee of an institution or agency shall ensure that the approved human research projects and the results of such projects are made public on the institution's or agency's website unless otherwise exempt from disclosure under the Virginia Freedom of Information Act. HB 2567; CH. 413.

**§§ 32.1-163, 32.1-164, 54.1-300, 54.1-2300, 54.1-2301, and 54.1-2302 amended; § 32.1-164.8 added. Onsite sewage systems; operation and maintenance program.** Requires the Board of Health to establish a program for the operation and maintenance of alternative onsite sewage systems. Requires the owner of an alternative onsite sewage system to have the system operated by a licensed operator and visited by the operator as specified in the operation permit. Requires the Board promulgate regulations to establish licensure requirements for operators of alternative onsite sewage systems. Establishes a statewide web-based reporting system to track the operation, monitoring, and maintenance requirements of each system, in-



cluding its components, and requires reports on the results of site visits utilizing the web-based system. Creates a special fund to cover the costs of the program. Requires licensure, by the Board of Waterworks and Wastewater Works and Onsite Sewage System Professionals, of operators of alternative onsite sewage systems. HB 3134; CH. 892 (effective - see bill).

§§ 10.1-2117, 15.2-2157, **32.1-163, 32.1-164, 54.1-300, 54.1-2300, 54.1-2301, and 54.1-2302 amended. Sewage disposal; certification of certain workers.** Grants the Board of Health supervision and control over the maintenance, inspection and reuse of alternative onsite sewage systems. Requires the Board of Health to promulgate regulations governing the maintenance, inspection and use of alternative onsite sewage systems and the requirements for maintaining alternative onsite sewage systems. Re-establishes the Board for Waterworks and Wastewater Works Operators as the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, and expands the membership of the Board from seven to 11 members. Requires the Board to establish a program for licensing individuals as onsite soil evaluators, onsite sewage system installers, and onsite sewage system operators and, in consultation with the Board of Health, adopt regulations for the licensure of certification of onsite soil evaluators, installers of alternative onsite sewage systems, and operators of alternative onsite sewage systems. SB 1270; CH. 924.

§§ 32.1-163, 32.1-164, 32.1-164.3, 32.1-164.5, 32.1-176.7, and 32.1-233. See § 10.1-404; HB 3113/SB 1403.

§ 32.1-164 amended; § 32.1-248.3 added. **Environmental Health Education and Training Fund; civil penalties.** Establishes the Environmental Health Education and Training Fund to support, train, educate, and recognize public- and private-sector individuals in all areas of environmental health. This bill directs the Board of Health to establish a schedule of civil penalties for violations of regulations governing onsite sewage systems, which shall be credited to the Fund. It also establishes a re-inspection fee of \$250 for noncompliant onsite sewage systems, which fee shall be credited to the Fund. HB 2691; CH. 514.

§ 32.1-164.1:01 amended. **Onsite Sewage Indemnification Fund; increased indemnification claim time.** Requires that the Commissioner shall, at the end of each fiscal year, certify that no expenses were paid from the Fund to support the program for training and recognition of authorized onsite soil evaluators in lieu of payment to any owner or owners qualified to receive payment from the Fund. HB 1949; CH. 448.

§ 32.1-164.1:01 amended. **Environmental Health Education and Training Fund; civil penalties.** Establishes the Environmental Health Education and Training Fund to support, train, educate, and recognize public- and private-sector individuals in all areas of environmental health. This bill directs the Board of Health to establish a schedule of civil penalties for violations of regulations governing onsite sewage systems, which shall be credited to the Fund. It also establishes a reinspection fee of \$250 for noncompliant onsite sewage systems, which fee shall be credited to the Fund. HB 2692; CH. 515.

§§ 32.1-164.2 through 32.1-164.7. See § 62.1-44.19:3; HB 2802/SB 1339.

§ 32.1-164.5. See § 62.1-44.19:3; SB 1300.

§ 32.1-164.5. See § 62.1-44.19:3; SB 1313.

§§ 15.2-2146 and **32.1-167 amended; § 32.1-174.4 added. Water systems; chronically noncompliant systems.** Defines "chronically noncompliant waterworks" as a waterworks that is unable to provide pure water for any of several enumerated reasons. Requires the Board of Health to promulgate regulations for the implementation of a program to (i) identify chronically noncompliant waterworks and (ii) create mechanisms or enforcement options for eliminating underperforming systems. Provides that, out of such funds as may be appropriated, the Commissioner of Health, with the assistance of the Office of the Attorney General, is authorized to enter into contracts for (a) the design of a program for the identification of noncompliant waterworks and (b) the development of enforcement options to carry out the provisions of this act. HB 2366; CH. 648/SB 998; CH. 774.

§ 32.1-176.5:2 added. **Prohibition on construction of private wells.** Prohibits the construction of private wells within 50 feet of the property line adjacent to agricultural property unless the owner of the adjacent property grants written permission for construction within 50 feet of the property line or the owner of the property provides certification that no other site on the property complies with the Board's regulations for the construction of a private well. Requires the Department of Health to accept private site evaluations and designs by a licensed professional engineer in consultation with an authorized onsite soil evaluator or by an authorized onsite soil evaluator. Requires the Department to obtain written affirmation from the applicant that a well construction site is in compliance with the provisions of this bill before issuing a permit. HB 2102; CH. 403.

§ 32.1-283 amended. **Investigation of deaths; medical examiner fee.** Clarifies that the county or city of which the deceased was a legal resident shall be responsible for the medical examiner fee up to \$20. HB 2210; CH. 19.

§§ 32.1-283 and 32.1-283.4 amended. **Medical Examiner's reports and findings.** Requires that all Medical Examiner's reports shall be confidential and not available for discovery except as provided and creates additional exceptions for reports concerning the death of a prisoner committed to the custody of any local correctional facility. The bill also eliminates allowance for any form of disclosure other than aggregate or statistical form of disclosure. HB 2393; CH. 868.

§ 32.1-283.1 amended. **Child Fatality Review Team to obtain presentence reports.** Authorizes the Chief Medical Examiner to obtain and review presentence reports of any person convicted of a crime that led to the death of a child investigated by the Child Fatality Review Team. HB 2523; CH. 411.

§§ 32.1-292.2, 46.2-342, 54.1-2982, 54.1-2984, and 57-48

**amended; §§ 32.1-291.1 through 32.1-291.25 added; §§ 32.1-287, 32.1-289, 32.1-289.1, 32.1-290, 32.1-291, 32.1-292.1, 32.1-293, and 32.1-295 repealed. Revised Uniform Anatomical Gift Act (UAGA).** Replaces current provisions in the Virginia Code with this Act, which was adopted, in substantial part, by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in July of 2006. The original UAGA was promulgated by NCCUSL in 1968 and enacted by all states. In 1987, the UAGA was revised and updated, but only Virginia and 25 other states adopted that version. Since 1987, many states have adopted nonuniform amendments to their anatomical gift acts. This Act clarifies current law in Virginia, addresses the lack of uniformity among states, and brings the law into harmony with federal laws applicable to organ, tissue and eye donation.

The revised Act addresses each step in the donation process and establishes rules of decision to resolve uncertainties and ambiguities that have arisen under prior versions of the UAGA. It ensures that if an individual wishes to make an anatomical gift or to refuse to make such a gift, those wishes will be respected without exception. It preserves the right of other persons to make an anatomical gift if the decedent did not make a gift during life, and clarifies how, to whom, and for what purpose, the gift may be made. The Act facilitates donation by expanding the list of persons who can make an anatomical gift and by establishing the priority and circumstances under which such persons may make a gift, including when they will be considered available to exercise their right to consent to, or refuse, an anatomical gift. There are numerous default rules for the interpretation of a document of gift that lacks specificity. The Act affirms that procurement organizations will have access to documents of gift in donor registries, medical records, and DMV records. It also provides that taking measures to preserve the viability of organs, tissues and eyes for their donative purpose is not inconsistent with a health-care directive requesting the withholding or withdrawal of life support systems. Other provisions address the relationship between the medical examiner and procurement organizations to ensure, to the maximum extent possible, that anatomical gifts are made from decedents under the jurisdiction of the medical examiner. The revised Act creates a new crime of falsification of a gift document and continues to prohibit the sale of bodies or body parts and increases the criminal penalty from a Class 6 to a Class 4 felony. HB 2684; CH. 92.

**§§ 32.1-292.2, 46.2-342, 54.1-2982, 54.1-2984, and 57-48 amended; §§ 32.1-291.1 through 32.1-291.25 added; §§ 32.1-287, 32.1-289, 32.1-289.1, 32.1-290, 32.1-291, 32.1-292.1, 32.1-293, and 32.1-295 repealed. Revised Uniform Anatomical Gift Act (UAGA).** Replaces current provisions in the Virginia Code with this Act, which was adopted, in substantial part, by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in July of 2006. The original UAGA was promulgated by NCCUSL in 1968 and enacted by all states. In 1987, the UAGA was revised and updated, but only Virginia and 25 other states adopted that version. Since 1987, many states have adopted nonuniform

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**§§ 32.1-312 and 32.1-313.** See § 8.01-216.3; SB 1183.

**§ 32.1-325.** See § 2.2-4001; HB 2537.

**§ 32.1-325.** See § 2.2-4001; SB 1139.

**§ 32.1-325 amended. Electronic payment of Medicaid providers.** Requires the Department of Medical Assistance Services to utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and FAMIS. HB 3188; CH. 536.

**§ 32.1-325.2 amended. Department of Medical Assistance Services; third party payments.** Conforms the Department of Medical Assistance Service's recovery of third party liability payments to the requirements of the federal Deficit Reduction Act of 2005. HB 3138; CH. 535.

**§ 32.1-351 amended. FAMIS Program; reporting requirements.** Eliminates the requirement that the Department of Medical Assistance Services provide quarterly reports on Family Access to Medical Insurance Security Plan enrollment, policies affecting enrollment, outreach efforts, and other topics. HB 2299; CH. 407.

§§ 32.1-353.1, 32.1-353.2, and 32.1-353.3 amended; §§ 32.1-353.4 and 32.1-353.5 repealed. **Certified Nursing Facility Education Initiative; use of funds.** Requires the Director of the Department of Medical Assistance Services to establish a Nursing Facility Quality Improvement Program. This program shall replace the role of nonprofit organizations in using civil monetary penalty funds collected by the Department to improve the health, safety, and welfare of residents in nursing facilities. Requires that the Director shall provide a strategic plan and progress report to the Governor and the Chairmen of the House Committees on Health, Welfare and Institutions, and Appropriations; the Senate Committees on Education and Health, and Finance; and the Joint Commission on Health Care no later than October 1, 2007. HB 2290; CH. 474.

§§ 32.1-354, 32.1-356, 32.1-359, and 32.1-360 amended; § 32.1-361.1 added. **Tobacco Settlement Foundation; securitization of payments.** Authorizes the Governor to sell up to 10 percent of the revenues derived from the Master Settlement Agreement. Proceeds from the sale shall be deposited into the Tobacco Settlement Foundation Endowment. HB 3111; CH. 345.

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## TITLE 32.1. MISCELLANEOUS - HEALTH.

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**Certificate of public need; relocation of nursing home beds.** Authorizes issuance of certificates of public need for the relocation of nursing home beds under certain circumstances, but also provides an exception to regulation pursuant to § 32.1-102.1. HB 1992; CH. 398.

**Certain certificate of public need for nursing facility or extended care services.** Adjusts the previously amended certificate of public need authorization for three continuing care facilities that are established for the care of retired military personnel and their spouses or widows or widowers to extend the deadline for discontinuing the admission of private-pay patients who are not contract holders from July 1, 2008, to July 1, 2013, if the facility's contract holder occupancy rate is less than 85 percent. HB 1630; CH. 2/SB 740; CH. 8.

**Health care data reporting; repeals sunset.** Repeals the July 1, 2008, sunset provision on health care data reporting. HB 2367; CH. 21/SB 1112; CH. 6.

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## TITLE 33.1. HIGHWAYS, BRIDGES AND FERRIES.

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§§ 33.1-3, 33.1-13, 33.1-19.1, 33.1-23.03, 33.1-23.03;8, 33.1-23.4:01, 33.1-223.2:12, 33.1-268, 33.1-269, 33.1-277, and 33.1-391.6 through 33.1-391.15. See § 58.1-605; HB 3202.

§ 33.1-12 amended. **Financial reports by VDOT and VDRPT.** Requires the preparation and dissemination of additional financial information by the Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Public Transportation (VDRPT). HB 2854; CH. 337.

§§ 33.1-13, 33.1-198, and 33.1-199 amended; § 33.1-198.1 added. **Powers of CTC; highway access management standards.** Requires the Commonwealth Transportation Commissioner (CTC) to develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways. HB 2228; CH. 863 (effective - see bill).

§§ 33.1-13, 33.1-198, and 33.1-199 amended; § 33.1-198.1 added. **Powers of CTC; highway access management standards.** Requires the Commonwealth Transportation Commissioner (CTC) to develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways. SB 1312; CH. 928.

§ 33.1-13.02 added. **Biennial report by VDOT on maintaining and operating existing transportation infrastructure.** Requires the Virginia Department of Transportation, no later than September 15 of each odd-numbered year, to submit to the Governor, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board a report on the condition and needs for maintaining and operating the existing transportation infrastructure in the Commonwealth for all asset management and maintenance, based on an asset management methodology. HB 2838; CH. 335.

§ 33.1-13.02 added. **Biennial report by VDOT on maintaining and operating existing transportation infrastructure.** Requires the Virginia Department of Transportation, no later than September 15 of each odd-numbered year, to submit to the Governor, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board a report on the condition and needs for maintaining and operating the existing transportation infrastructure in the Commonwealth for all asset management and maintenance, based on an asset management methodology. SB 1128; CH. 355.

§ 33.1-23.03:10 added. **Tolls on Interstate Highway System components.** Allows the Commonwealth Transportation Board, in accordance with all applicable federal and state statutes and requirements, to impose and collect tolls for the use of any component of the Interstate Highway System within the Commonwealth, with the proceeds to be deposited into the Transportation Trust Fund and allocated by the Board. HB 2314; CH. 477.

§ 33.1-23.1 amended. **Allocation of highway funds; additional allocation to certain port cities.** Provides that the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, is to allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth, and the County of Warren for use in

addressing highway maintenance and repair needs created by or associated with port operations in those localities. HB 2785; CH. 305.

**§ 33.1-23.2 amended. Primary system highway construction funds.** Allows the Commonwealth Transportation Board to allocate primary system highway construction funds to highway construction projects maintained or to be maintained by municipalities, provided such construction projects involve components of the National Highway System and the funds are derived from allocations to the highway construction district in which the project is located. HB 1685; CH. 178.

**§ 33.1-23.2 amended. Primary system highway construction funds.** Allows the Commonwealth Transportation Board to allocate primary system highway construction funds to highway construction projects maintained or to be maintained by municipalities, provided such construction projects involve components of the National Highway System and the funds are derived from allocations to the highway construction district in which the project is located. SB 887; CH. 146.

**§ 33.1-23.4 amended. Allocation of construction funds within the secondary system.** Provides that in counties having elected to manage the construction program for the secondary system, payments may be made in equal amounts, one in each quarter of the fiscal year. The bill also states that the amount shall be reduced by the amount of federal-aid construction funds credited to each county and by the amount of funds forecast to be expended for any construction project or any other financial obligations. In addition, the chief administrative officer of such counties shall make annual reports of expenditures to the Department of Transportation. SB 1059; CH. 153.

**§§ 33.1-41.1, 33.1-44, and 33.1-225.** See § 15.2-912.1; HB 2928.

**§ 33.1-46.2 amended. HOV lanes; exemption for clean special fuel vehicles.** Extends the "sunset" to 2008 authorizing the use of certain HOV lanes by vehicles bearing clean special fuel vehicle license plates. HB 2132; CH. 317.

**§ 33.1-70.3 added. Taking subdivision streets into state secondary highway system.** Allows local governing bodies of any counties that have not withdrawn from the state secondary highway system to request the Commonwealth Transportation Board, by resolution, to take any new subdivision street into the state secondary highway system for maintenance if such subdivision street has been developed and constructed in accordance with the Board's subdivision street requirements. Only those subdivision streets constructed in compliance with the Board's subdivision street requirements are to be taken into the state secondary highway system for maintenance. The Board is further required to promulgate regulations establishing such subdivision street requirements. Regulations initially promulgated by the Board are to be exempt from provisions of the Administrative Process Act, but this exemption does not apply to subsequent regulations or amendments thereto. SB 1181; CH. 382.

**§ 33.1-94 amended. Right of CTC to enter on land to ascertain its suitability for transportation purposes; damages.** Revises the procedures according to which the Commonwealth Transportation Commissioner (CTC), through his duly authorized agents, may enter upon any land in the Commonwealth for the purposes of determining its suitability for highway and other transportation purposes. HB 2538; CH. 755.

**§ 33.1-223.2:17 added. Transfer of highways, etc., by CTB to control of public access authorities.** Allows the Commonwealth Transportation Board (CTB), upon the request of a public access authority, to transfer to the authority any and all rights and interests of the Board in highways, highway rights-of-way, and landings without first abandoning or discontinuing them. HB 2781; CH. 304.

**§ 33.1-386 amended. Contracts awarded by the Commonwealth Transportation Board or the Commissioner; submission of claims.** Changes the claim submission time for contractors from the date of notification of the Department's final estimate to the date of the final estimate itself, which shall be set forth in a certified letter from the Department. Also provides that the written claim must be delivered to the Department. SB 1194; CH. 162.

**§ 33.1-391.5 amended. Virginia Department of Rail and Public Transportation; inventory.** Requires the Virginia Department of Rail and Public Transportation to compile and maintain an up-to-date inventory of all railroad corridors in the Commonwealth abandoned after January 1, 1970. HB 1746; CH. 435.

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### TITLE 33.1. MISCELLANEOUS - HIGHWAYS, BRIDGES AND FERRIES.

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**Road to Revolution Heritage Trail.** Establishes the Road to Revolution heritage trail to highlight and celebrate Patrick Henry's leading role in liberating Virginia from Colonial rule to independence. HB 1722; CH. 852.

**Virginia Coal Heritage Trail.** Designates 95 highway segments in Southwest Virginia as the "Virginia Coal Heritage Trail" and declares them all to be Virginia byways. HB 3094; CH. 531.

**Monacan Parkway.** Designates that portion of U.S. Route 29 between its intersection with U.S. Route 29 (business) in the Town of Amherst and its intersection with U.S. Route 460 in Campbell County the "Monacan Parkway." HB 2165; CH. 274.

**American Former Prisoners of War Memorial Highway.** Designates the portion of U.S. Route 19 in Russell County between Virginia Route 80 at Rosedale and the Russell/Tazewell County boundary the "American Former Prisoners of War Memorial Highway." SB 1092; CH. 155.

**Trooper Ricky Marshall McCoy Memorial Bridge.** Designates the Virginia Route 635 bridge over Interstate Route 81 in

the City of Salem the "Trooper Ricky Marshall McCoy Memorial Bridge." SB 1370; CH. 173.

**Charles B. Morris Memorial Bridge.** Designates the Interstate 77 bridge over U.S. Route 58 in Carroll County the "Charles B. Morris Memorial Bridge." HB 2105; CH. 271.

**Lance Corporal Jason Redifer Memorial Bridge.** Designates the Virginia Route 608 bridge over Interstate Route 64 in Augusta County at Fishersville the "Lance Corporal Jason Redifer Memorial Bridge." HB 2540; CH. 293.

**Lance Corporal Daniel Scott Resner Bubb Memorial Bridge.** Designates the Virginia Route 256 bridge over Interstate Route 81 in Augusta County at Weyers Cave as the "Lance Corporal Daniel Scott Resner Bubb Memorial Bridge." HB 2541; CH. 294.

**Tolls on U.S. Route 17 in Chesapeake.** Requires VDOT to impose and collect tolls for use of U.S. Route 17 in Chesapeake. HB 2951; CH. 940 (effective - see bill).

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## TITLE 34. HOMESTEAD AND OTHER EXEMPTIONS.

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**§ 34-34 amended. Exemption of certain retirement benefits from creditor process.** Conforms the state exemption of retirement benefits to that allowed under new federal bankruptcy law. HB 2766; CH. 302.

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## TITLE 35.1. HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS.

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**§ 35.1-14.** See § 2.2-4001; HB 2537.

**§ 35.1-14.** See § 2.2-4001; SB 1139.

**§ 35.1-14.2 amended. Donations of food to charitable organizations; deemed exempt from food service regulations.** Exempts charitable organizations that engage in food distribution to the needy from state and local regulations and ordinances that govern food service and preparation. Includes nonprofit homeless shelters and hunger prevention programs under the definition of "charitable organizations" for purposes of the exemption. Permits the Board of Health to issue advisory standards for food preparation, handling, protection, and preservation. HB 2218; CH. 404 (effective 3/15/07)/SB 806; CH. 545 (effective 3/19/07).

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## TITLE 36. HOUSING.

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**§ 36-11 amended. Housing authorities; compensation of commissioners.** Requires commissioners of a housing authority to receive compensation not to exceed \$75 for each meeting of the authority attended by the commissioner. Currently, a commissioner does not receive compensation for his services, but is entitled to reimbursement of expenses. HB 2885; CH. 247.

**§ 36-19.2 amended. Housing authorities; public hearings.** Clarifies that a housing authority must hold at least one public hearing to receive the views of citizens within the area of operation of the authority before it gives final approval to either (i) its budget or (ii) any request for funding for submission to the governing body. HB 3123; CH. 342.

**§ 36-27.2 amended. City of Norfolk; Norfolk Redevelopment Housing Authority; East Ocean View Conservation and Redevelopment Plan.** Authorizes the City of Norfolk and the Norfolk Redevelopment Housing Authority to adopt a new redevelopment or conservation plan designating a redevelopment or conservation area that may include real property for acquisition located within the boundaries set forth in the previous Conservation and Redevelopment Plan for the East Ocean View Conservation and Redevelopment Project, which is scheduled to expire on July 1, 2007. SB 1138; CH. 786.

**§ 36-49.1:1 amended. Housing authority law; spot blight abatement; interest on liens.** Gives a locality a lien on property declared a nuisance when the locality, and not the owner, abates or removes the nuisance at its expense. The bill provides that this lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid. The bill also provides for the same interest rate for liens on property declared to be blighted. SB 735; CH. 763.

**§ 36-55.63.** See § 58.1-435; SB 1054.

**§ 36-99.6.** See § 10.1-404; HB 3113/SB 1403.

**§ 36-105 amended. Building permits for ancillary school buildings.** Allows a local building official to issue an annual permit for any construction regulated by the building code. HB 2497; CH. 291.

**§ 36-106 amended. Uniform Statewide Building Code; abatement of violations.** Allows, as a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator and a representative of the locality to agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty. HB 2469; CH. 290.

**§ 36-106 amended. Uniform Statewide Building Code; violations; penalty.** Provides that when violations of the Building Code relating to occupancy limits, where a dwelling results in not being a safe, decent, and sanitary dwelling, in a locality

where the governing body has taken action to enforce the Maintenance Code, any owner, other person, firm, or corporation convicted of such violation may be punished by increased fines and confinement in jail for not more than 10 days. Currently, any violation of the Building Code is punishable by a fine of not more than \$2,500. HB 2789; CH. 760.

§§ 36-139, 36-139.2, 36-139.3, and 36-139.4. See § 9.1-201; HB 2356/SB 1132.

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## TITLE 37.2. MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES.

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§ 37.2-406 amended. **Opiate addiction treatment center; closed on Sunday.** Provides that no provider shall be required to conduct, maintain or operate services for the treatment of persons with opiate addiction through the use of methadone or other opioid replacements on Sunday except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth. Requires that the Department of Health shall develop guidelines or regulations to ensure the appropriate health, welfare and safety of consumers and the security of take-home doses. HB 2678; CH. 513.

§ 37.2-502 amended. **Community services board members; terms of office.** Authorizes the governing body of a city or county to reappoint a member of a community services board after a three-year period has elapsed since the end of the member's last three-year term. SB 1186; CH. 570.

§§ 37.2-803 and 37.2-804. See § 16.1-336; HB 2530.

§§ 37.2-803 and 37.2-804. See § 16.1-336; SB 738.

§§ 37.2-808 and 37.2-810 amended. **Involuntary mental health commitment; custody orders.** Allows an emergency or temporary custody order to include transportation to a medical facility for a medical evaluation if required by a physician at the hospital to which the person is being transported. SB 890; CH. 7.

§ 37.2-809 amended. **Mental health; temporary detention orders.** Requires a magistrate issuing a temporary detention order to consider the recommendations of any treating or examining physician licensed in Virginia, if available, prior to rendering a decision. HB 2955; CH. 526.

§ 37.2-815 amended. **Involuntary admission hearings; examination providers.** Adds community service boards and behavioral health authorities to the list of facilities by which an examiner may be employed. HB 2036; CH. 400.

§§ 19.2-169.3, 37.2-900, 37.2-901 through 37.2-905, 37.2-906, 37.2-907, 37.2-908, 37.2-910, and 37.2-912 amended; §§ 37.2-905.1 and 37.2-905.2 added. **Sexually violent predators; civil commitment.** Adds the following as

sexually violent offenses which qualify a prisoner or incompetent defendant to be evaluated for civil commitment: capital murder in the commission of, or subsequent to a rape or attempted rape, sodomy or forcible sodomy or object sexual penetration, capital murder in the commission of an abduction committed with intent to defile the victim, and first and second degree murder when the killing was in the commission of, or attempt to commit rape, forcible sodomy, or object sexual penetration. The bill also provides that certain provisions regarding the identification, and assessment for filing a petition for commitment are procedural and not substantive or jurisdictional, and that absent gross negligence or willful misconduct it shall be presumed that there has been substantial compliance with the provisions. Allows the CRC 120 instead of 90 days after receiving the name of an individual eligible to be evaluated for civil commitment to complete its assessment and submit its recommendation to the Attorney General and revises the CRC's criteria for assessment and provides that a quorum is four members rather than five members. The bill grants access to a variety of records to the Department of Mental Health, the CRC, and the Department of Corrections and provides that the existence of prior convictions or charges may be shown with affidavits or documentary evidence at the probable cause hearing. HB 2671; CH. 876.

§ 37.2-1018. See § 11-9.1; HB 2864.

§ 37.2-1018. See § 11-9.6; SB 1235.

§ 37.2-1023 amended. **Conservator; requirements for sale of real estate.** Provides that, prior to the conveyance of real estate, the court may require that a conservator of a person deemed incapacitated use a common source information company, as defined in § 54.1-2130, when listing the property for sale. HB 3177; CH. 694.

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## TITLE 37.2. MISCELLANEOUS - MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES.

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**Life-sharing communities.** Defines a life-sharing community as a residential setting with therapeutic activities for persons with developmental disabilities and establishes criteria for the licensing and inspection of such communities by the Department of Social Services. HB 2962; CH. 677.

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## TITLE 38.2. INSURANCE.

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§§ 38.2-111 and 38.2-113 amended. **Miscellaneous casualty insurance; burglary and theft insurance.** Authorizes miscellaneous casualty insurance and burglary and theft insurance policies to include appropriate provisions obligating the insurer to pay medical, hospital, surgical, and funeral expenses arising

out of the death, dismemberment, sickness, or injury of any person, and death and dismemberment benefits in the event of death or dismemberment, if the death, dismemberment, sickness, or injury is caused by or is incidental to a cause of loss insured under the policy. HB 3055; CH. 762.

**§ 38.2-301 amended. Life insurance; insurable interest requirement.** Clarifies that the provisions addressing when a trustee has an insurable interest in a life insurance policy are to be applied whether the policy was owned by a trustee before, on, or after July 1, 2005, which is the effective date of the legislation that enacted such provisions. The measure also provides that the 2005 legislation was intended to permit charitable organizations that satisfied the criteria set out in the criteria of that law to continue to acquire charitable certificates after July 1, 2005. HB 2001; CH. 186.

**§ 38.2-401.** See § 9.1-201; HB 2356/SB 1132.

**§§ 38.2-800, 38.2-4811, and 38.2-4812 amended. Surplus lines insurance.** Clarifies that an alien insurer cannot be approved as a surplus lines carrier unless it maintains at least \$2.5 million in an irrevocable trust fund, in addition to capital and surplus requirements. Other provisions address the authority of the Commission to deem the capital and surplus requirements to be satisfied by an unlicensed insurer possessing less than that amount. The measure clarifies that the reporting date is March 1 unless the insurer's home state establishes a later date and makes several technical changes. SB 1113; CH. 157.

**§§ 38.2-1306.1, 38.2-1320.5, and 38.2-4319 amended. Insurance companies; confidentiality of analyses.** Provides that regulatory analyses, financial analyses, and examination synopses, including working papers, concerning insurance companies or insurance transactions that are submitted to the Commission by the National Association of Insurance Commissioners shall be kept confidential. These confidentiality requirements are made applicable to health maintenance organizations. HB 2394; CH. 488.

**§ 38.2-1704 amended. Virginia Life, Accident and Sickness Insurance Guaranty Association.** Provides that a maximum of \$250,000 in the present value of annuity benefits is to be considered in calculating the maximum amount of the contractual obligations for which the Virginia Life, Accident and Sickness Insurance Guaranty Association may become liable with respect to any one life. To qualify, an annuity shall be established and maintained as an individual retirement account, Section 457 Plan account, defined contribution plan account, or Keogh Plan account. The measure responds to recent FDIC rules that provide up to \$250,000 of protection for bank deposits and accounts utilized for certain self-directed individual retirement accounts. The measure also increases the maximum amount that the Association may be liable to expend in the aggregate with respect to any one individual from \$300,000 to \$350,000. HB 2351; CH. 482.

**§ 38.2-1825 amended. Insurance agents; license termination.** Repeals a provision that directs the automatic termination

of an insurance agent's license for failure to hold at least one active appointment within 183 calendar days from the date of issuance of the insurance license or the cancellation by an insurer of an agent's only appointment. HB 3016; CH. 703.

**§ 38.2-1839 amended. Insurance consultants; contracts.** Requires those consultants that do not sell, solicit or negotiate insurance to enter into a written contract with clients prior to acting as a consultant. Consultants that sell, solicit or negotiate insurance will be required to enter into a written contract with clients before they purchase insurance. Currently, all consultants are required to enter into a written contract with clients prior to taking any action as a consultant. HB 1957; CH. 449.

**§ 38.2-3407.9:03 added. Pharmacy benefits management.** Requires every contract for pharmacy benefits management to provide that payment for clean claims submitted electronically by participating pharmacies be paid electronically if the claim is required to be submitted electronically, the claim is in the form required by the payor, the pharmacy agrees to accept payments electronically, and the pharmacy provides accurate electronic funds transfer information. The measure will become effective if reenacted by the 2008 Session of the General Assembly. SB 1084; CH. 839 (effective - see bill).

**§ 38.2-3525 amended. Group accident and sickness insurance; student medical leaves of absence.** Requires that coverage under a health insurance policy for a dependent child who is enrolled as a full-time student shall continue in force for up to 12 months from the date the child ceases to be a full-time student if the child is unable to continue as a full-time student due to a medical condition. The child's treating physician must certify when the child withdraws from school that the absence is medically necessary. The measure applies only to covered children under age 25. HB 1622; CH. 428.

**§ 38.2-4319 amended; § 38.2-1016.1 added. Health maintenance organizations; conversions.** Establishes a procedure by which a health maintenance organization may convert, without reincorporating, to an accident and sickness insurer. SB 1303; CH. 579.

**§§ 38.2-5501 and 38.2-5503 amended. Insurance; risk-based capital.** Corrects an erroneous cross-reference regarding the definition of adjusted risk-based capital reports. The measure also clarifies that negative trend, in the context of a life and health insurer, is determined in accordance with the trend test calculation included in the life insurance risk-based capital instructions. Finally, provisions regarding the trend test for property and casualty insurers are added. SB 1317; CH. 360.

**§§ 38.2-5902 and 38.2-5905 amended. Expedited review of final adverse health coverage decisions.** Requires the Commissioner of Insurance or his designee to issue a final ruling no later than one business day following the receipt of the impartial health entity's recommendation if the regular process for the issuance of a ruling will delay the rendering of treatment for a patient whose condition would be terminal without the treatment. Currently, he has 10 working days to issue his final

ruling. The utilization review entity is required to comply with the Commissioner's ruling within three business days of receipt of an expedited ruling. The State Corporation Commission is required to promulgate regulations regarding expedited consideration of appeals in cases involving a terminal condition. HB 3137; CH. 346.

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## TITLE 40.1. LABOR AND EMPLOYMENT.

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**§ 19.2-11.01 amended; § 40.1-28.7:2 added. Employment; leave for crime victims to attend criminal proceedings.** Requires employers to allow an employee who is a victim of a crime to leave work, without compensation, to exercise his right to be present at criminal proceedings relating to the crime. An employer may limit the leave if it creates an undue hardship. Employers are prohibited from dismissing or otherwise discriminating against an employee who is a victim of a crime because he exercises the right to leave work. HB 3132; CH. 423.

**§ 40.1-28.9 amended. Minimum wage; definition of employee.** Repeals the existing exclusion for persons who have reached age 65 from the definition of an employee under the Virginia Minimum Wage Act. HB 2738; CH. 832/SB 758; CH. 816.

**§ 40.1-100 amended. Child labor; certain employment prohibited; farm wineries.** Allows a child under the age of 18 years to work at a licensed Virginia farm winery provided the child does not serve or dispense in any manner alcoholic beverages. HB 2334; CH. 645.

**§ 40.1-113 amended. Child labor offenses; civil penalties.** Increases the civil penalty that may be assessed against a person who employs, procures or permits a child to be employed, or issues an employment certificate, in violation of child labor laws, when the violation results in the employment of a child who is seriously injured or who dies in the course of that employment, from \$1,000 to \$10,000. For violations not involving the death or serious injury of a child, the maximum civil penalty remains \$1,000. HB 2783; CH. 667.

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## TITLE 42.1. LIBRARIES.

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**§ 42.1-36.1 amended. Technology protection measures; public libraries.** Requires the library board or governing body of a local library to include in its acceptable use policy for the Internet provisions for the selection, installation and activation of a technology protection measure on computers that have Internet access and that are accessible to the public to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372, and, with respect to minors, materials deemed

harmful to juveniles as defined in § 18.2-390. The bill also requires the policy to include a provision for disabling or bypassing the technology protection measure at the request of a patron in instances of bona fide research or other lawful purposes. In addition, the bill provides that no state funding shall be withheld and no other adverse action taken against a library by the Librarian of Virginia or any other official of state government when the technology protection measure fails, provided that such library promptly has taken reasonable steps to rectify and prevent such failures in the future. HB 2197; CH. 470/SB 1393; CH. 583.

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## TITLE 43. MECHANICS' AND CERTAIN OTHER LIENS.

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**§ 43-4 amended. Mechanic's liens; certification of mailing.** Clarifies that subcontractors and sub-subcontractors are not subject to the same requirement as are general contractors to file along with a memorandum of lien a certification of mailing of a copy of the memorandum of lien on the owner of the property at the owner's last known address. HB 2580; CH. 505.

**§§ 43-5, 43-8, and 43-10 amended. Mechanic's lien; required statements.** Adds a certification of mailing to § 43-5, the statutory form for a memorandum for mechanic's lien claimed by a general contractor. This bill also adds a statement to the statutory mechanic's lien forms for general contractors, subcontractors (§ 43-8), and sub-subcontractors (§ 43-10) that provides that it is the intent of the claimant submitting the form to claim the benefit of a lien. These statements and the certification are required to be in a mechanic's lien memorandum under § 43-4. HB 2579; CH. 504.

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## TITLE 44. MILITARY AND EMERGENCY LAWS.

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**§ 44-11.1 added. Department of Military Affairs; duties.** Establishes specific duties and functions to be carried out by the Department of Military Affairs. HB 2654; CH. 127/SB 1184; CH. 728.

**§§ 44-93.2 through 44-93.5 amended. Virginia National Guard; employment protection.** Extends the employment protections for service in state duty to service under Title 32 of the United States Code. Upon return to duty, a guardsman would have 14 days to make written application to his previous employer for reemployment. The Code currently requires such application to be made within five days. In addition, the bill would add attorney fees and costs to the damages recoverable for violation of these employment provisions. HB 2809; CH. 214/SB 1309; CH. 167.



§ 44-102.2 amended. **Virginia Military Family Relief Fund; assistance after active duty.** Provides that funds from the Virginia Military Family Relief Fund may be provided to a service member or his family from the date of entry into active duty until 180 days after release from active duty. HB 3015; CH. 73/SB 1046; CH. 911.

§ 44-117 amended. **Officers of militia; Massanutten Military Academy.** Adds the officers of the Massanutten Military Academy in Woodstock, Virginia, to the list of those officers recognized as commissioned officers of the unorganized Virginia militia. SB 906; CH. 818.

§§ 44-146.17 and 44-146.28. See § 2.2-306; HB 2304/SB 1202.

§ 44-146.18 amended. **Emergency preparedness; animal protection.** Requires the Department of Emergency Management to develop an emergency response plan to address the needs of animals in an emergency and to assist localities in developing their own emergency response plans. SB 787; CH. 902.

§ 44-146.19 amended. **Review of certain emergency plans by localities.** Grants authority to localities to require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers that are located within the locality. HB 2726; CH. 129.

§ 44-146.19 amended. **Local emergency management plans.** Requires every local and interjurisdictional agency to review and update its emergency operations plan every four years. The updated plan must be formally approved by the locality's governing body. HB 3048; CH. 138/SB 1318; CH. 97.

§ 44-146.30. See § 10.1-404; HB 3113/SB 1403.

§ 44-146.40. See § 15.2-912.1; HB 2928.

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## TITLE 45.1. MINES AND MINING.

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§§ 45.1-161.6, 45.1-179.2, 45.1-179.7, 45.1-179.8, 45.1-179.9, 45.1-254, and 45.1-361.27. See § 10.1-404; HB 3113/SB 1403.

§§ 45.1-161.31, 45.1-161.32, 45.1-161.35, 45.1-161.37, 45.1-161.39, 45.1-161.64, 45.1-161.76, 45.1-161.78, 45.1-161.87, and 45.1-161.257 amended. **Coal miner certification and mine safety.** Requires pre-employment substance abuse testing and provides for the immediate and temporary suspension of miner certification for certain violations related to drugs or alcohol. Requires certificate holders to notify the Board of Coal Mining Examiners of any drug-related criminal conviction within 30 days. Also allows the Board of Coal Mining Examiners to increase examination fees for miner certification from \$10 to an amount not to exceed \$50. HB 3190; CH. 894/SB 1091; CH. 914.

§ 45.1-394 amended. **Biofuels Incentive Grant Program; production eligibility.** Lowers the eligibility requirement of the volume of biofuels produced and sold from 10 million gallons to two million gallons per calendar year for a producer to be eligible for a grant. The bill also amends the definition of producer to include any agricultural cooperative association, as defined in the Agricultural Cooperative Association Act (§ 13.1-312 et seq.). HB 3089; CH. 684.

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## TITLE 46.2. MOTOR VEHICLES.

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§§ 46.2-100 and 46.2-625 amended; § 46.2-602.1 added. **An Specially constructed, reconstructed, and replica vehicles.** Revises procedures whereby specially constructed, reconstructed, and replica vehicles are titled and registered by DMV. The bill also provides that these vehicles meet safety and emission standards for the year of which the vehicle is a replica. HB 2501; CH. 325.

§§ 46.2-100, 46.2-808, 46.2-905, 46.2-906, 46.2-906.1, 46.2-908.1, and 46.2-932 amended. **Toy vehicles.** Provides a definition of "toy vehicle" and limits use of toy vehicles to (i) highways within residence districts that have no more than two travel lanes and where the speed limits are no more than 25 miles per hour and (ii) highways where play is permitted. The bill also requires that electrically powered toy vehicles have spill-proof, sealed, or gelled electrolyte batteries. HB 2674; CH. 209/SB 898; CH. 366.

§§ 46.2-100 and 46.2-625 amended; § 46.2-602.1 added. **Specially constructed, reconstructed, and replica vehicles.** Revises procedures whereby specially constructed, reconstructed, and replica vehicles are titled and registered by DMV. SB 1383; CH. 393.

§§ 46.2-206.1, 46.2-694, 46.2-694.1, 46.2-697, 46.2-702.1, 46.2-755.1, 46.2-755.2, 46.2-1135, and 46.2-1167.1. See § 58.1-605; HB 3202.

§§ 46.2-208 and 46.2-214 amended. **DMV fees.** Exempts federal, state, and local officials from fees charged by DMV for obtaining data from DMV records. HB 1930; CH. 447.

§ 46.2-208 amended. **DMV driver record abstracts.** Provides for half-price copies of driver record abstracts for volunteer drivers for Faith in Action. HB 2027; CH. 188.

§§ 46.2-208 and 46.2-214 amended. **Records of the Department of Motor Vehicles.** Eliminates the fee to receive driving record abstracts from the Department of Motor Vehicles for (i) local government group self-insurance pools, (ii) law-enforcement officers, (iii) attorneys and court officials for the Commonwealth, (iv) officials of counties, cities, and towns, and (v) court, police, and licensing officials of other states and of the federal government. SB 1097; CH. 156.

§ 46.2-208 amended. **DMV driver record abstracts.** Provides for half-price copies of driver record abstracts for volunteer drivers for Faith in Action. SB 1153; CH. 79.

§ 46.2-221.2 amended. **Driver's licenses; extension of period of validity.** Grants to civilian employees of the U.S. government and contractors with the U.S. government extensions of the period of validity of their driver's licenses while serving or providing services under contract outside the Commonwealth. HB 1704; CH. 249.

§ 46.2-221.2 amended. **Driver's licenses; extension of period of validity.** Grants to civilian employees of the U.S. government and contractors with the U.S. government extensions of the period of validity of their driver's licenses while serving or providing services under contract outside the Commonwealth. SB 816; CH. 589.

§ 46.2-300 amended. **Driving without a license; penalties.** Provides that a second offense of driving without a license is a Class 1 misdemeanor. Under current law all violations are Class 2 misdemeanors. HB 3122; CH. 532.

§ 46.2-316 amended. **Driver's licenses issued to persons convicted of driving under the influence.** Prohibits the Department of Motor Vehicles from issuing or reinstating the driver's license of a person who has been convicted of driving under the influence or a related offense during the three-year period following the conviction, unless the person provides proof that he has in effect a motor vehicle liability insurance policy with limits that are double the minimum limits required generally for motor vehicle liability insurance policies. A second enactment clause provides that the bill will apply only to policies issued or renewed on or after January 1, 2008. HB 2518; CH. 496.

§§ 46.2-325, 46.2-328, 46.2-332, 46.2-337, and 46.2-1190.2 amended. **Issuance of a license to operate a motorcycle.** Changes "endorsement" to "classification"; allows an individual with a Virginia driver's license who successfully completes a motorcycle rider safety training course to use the documentation as a temporary motorcycle classification for 30 days; requires persons applying for a motorcycle classification who fail the road test twice to complete a motorcycle rider safety training course; allows DMV to exempt those who have completed a motorcycle safety training course from either the written materials or the road test or both; and requires the minimum paved range area used for motorcycle rider safety training courses to be consistent with the minimum range requirements established by the DMV-approved curriculum. HB 2177; CH. 190.

§ 46.2-328.1 amended. **Renewal, duplication, or reissuance of special identification cards.** Provides that renewal, duplication, or reissuance of special identification cards does not require proof of legal presence if the applicant's date of birth is 1937 or earlier and if the applicant has previously held a Virginia-issued driver's license or special identification card if such license or identification card has not been expired for more than five years. HB 2471; CH. 493.

§ 46.2-332 amended. **CDL examination fees.** Provides for a fee of \$50 to be charged by DMV every time an applicant for a commercial driver's license (CDL) fails to attend a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. HB 3028; CH. 223.

§ 46.2-334.01 amended. **Use of wireless telecommunications devices by holders of provisional driver's licenses.** Prohibits the use of wireless telecommunication devices by holders of provisional driver's licenses while operating a motor vehicle, except in an emergency or when parked or stopped. SB 1039; CH. 777.

§ 46.2-341.18:2 added. **Use of synthetic urine to defeat a drug or alcohol test.** Provides that the Commissioner of the Department of Motor Vehicles shall disqualify for a period of one year any commercial driver's license holder who has been convicted of a violation of § 18.2-251.4 (falsifying urine tests). HB 3023; CH. 422.

§ 46.2-342. See § 32.1-292.2; HB 2684.

§ 46.2-342. See § 32.1-292.2; SB 918.

§ 46.2-392 amended. **Alcohol-related reckless driving.** Provides that the Commissioner of the Department of Motor Vehicles shall not reinstate the driver's license of a defendant required to complete an alcohol safety action program for a conviction of reckless driving until notification of enrollment is received. HB 1708; CH. 432.

§ 46.2-395 amended. **Penalty for failure to pay motor vehicle fines and costs.** Removes the provision that a suspension of a driver's license for failure to pay fines and costs must run consecutively with any other suspension. HB 2594; CH. 327.

§ 46.2-490 amended. **Driver improvement clinic fees.** Provides that neither the annual license fees for additional clinic locations nor the annual license fees for clinic instructor licenses will be required of or collected from the Virginia Association of Volunteer Rescue Squads or its members in connection with clinics that are provided for emergency vehicle operation training. HB 1765; CH. 180.

§ 46.2-600 amended. **Vehicle titling and registration.** Provides that if a vehicle is registered and titled elsewhere in the United States, nothing is to be construed to require titling or registration in the Commonwealth of any vehicle located in the Commonwealth if that vehicle is registered to a non-Virginia resident active duty military service member, activated reserve or national guard member, or mobilized reserve or national guard member living in Virginia. HB 1817; CH. 934.

§ 46.2-629 amended. **Odometer readings.** Exempts vehicles that were manufactured for a model year at least 10 years earlier than the calendar year in which a sale or transfer occurs and were previously exempt from recording an odometer reading on the certificate of title in another state from odometer reading certifications. HB 3071; CH. 225.

**§ 46.2-730 amended. License plates for antique motor vehicles and antique trailers; penalties.** Provides that applicants for antique license plates show evidence of ownership or regular use of another passenger car or motorcycle. The bill also changes the fee for registration and license plates from \$10 to a one-time fee of \$50; corrects the dates for issuance of metal tabs; permits use of these plates to carry or transport passengers, personal effects, or other antique motor vehicles being transported for show; and requires that vehicles must meet safety equipment requirements for the model year in which they were manufactured. In addition, the bill (i) provides that DMV shall suspend the registration of vehicles registered with antique plates if the vehicle is not properly equipped or is otherwise unsafe to operate, (ii) establishes a Class 4 misdemeanor for violations of this act, and (iii) requires that DMV revoke and not reinstate the owner's privilege to register the vehicle with antique license plates for a period of five years. Lastly, the bill provides for the cancellation of antique vehicle plates issued prior to July 1, 2007 if, prior to January 1, 2008, registrants do not provide the Department with evidence of owning or having regular use of another passenger car or motorcycle and do not have the required safety certification. HB 2465; CH. 492.

**§§ 46.2-731, 46.2-739, 46.2-1240, and 46.2-1241 amended. Disabled parking.** Allows licensed physician assistants, licensed podiatrists, licensed chiropractors, or licensed nurse practitioners the same certification powers granted licensed physicians and certain other health care professionals in connection with obtaining various indicia associated with disabled parking privileges. SB 993; CH. 715.

**§ 46.2-746.8 amended. Special license plates; Fraternal Order of Police of Virginia; fees.** Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing license plates to members of the Fraternal Order of Police of Virginia. HB 1782; CH. 181/SB 1350; CH. 172.

**§ 46.2-752 amended. Exemption from local tax and license fees for certain law-enforcement officials.** Allows local governments to exempt deputy sheriffs, police officers, and officers of the State Police from the local tax and license fees for one owned or leased vehicle. HB 2362; CH. 865.

**§ 46.2-752 amended. Local vehicle license.** Exempts vehicles owned by a public service company having a fleet of at least 2,500 vehicles garaged in the Commonwealth from having to display any local license, decal, or sticker. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or town can be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved. HB 2793; CH. 213.

**§§ 46.2-752, 46.2-873, 46.2-874.1, 46.2-924, 46.2-932, 46.2-1094, 46.2-1216, 46.2-1304, 46.2-2080, 46.2-2099.21, and 46.2-2099.41.** See § 15.2-912.1; HB 2928.

**§ 46.2-752 amended. Local vehicle license taxes and fees.** Restates the limitation on the amount of any such taxes and fees by replacing the phrase "amount of the license tax" with "annual or one-year fee." HB 3143; CH. 230.

**§ 46.2-755 amended. Local vehicle license taxes and fees.** Prohibits imposition of local vehicle license taxes and fees on inoperable vehicles and unlicensed as reconstructed or specially constructed vehicles. HB 2640; CH. 296.

**§ 46.2-804 amended. Truck climbing lanes.** Requires VDOT to post signs requiring trucks and combination vehicles to keep to the right on Interstate Highway System components with no more than two travel lanes in each direction where terrain is likely to slow the speed of such vehicles climbing hills and inclines. HB 2534; CH. 501.

**§§ 46.2-819.1 and 46.2-819.3 amended. Operation of photo-monitoring or automatic vehicle identification systems.** Changes the definition of "operator of a toll facility other than the Virginia Department of Transportation" from facilities authorized by the Code to any entity "that operates a toll facility." The bill also provides that the suspension of a driver's license for failure or refusal to pay these fines or costs is not applicable. HB 2462; CH. 200/SB 1100; CH. 78.

**§ 46.2-819.4 added. Smoking in proximity to gas pumps; penalty.** Provides that any person in the open air who smokes or uses an open flame within 20 feet of a pump used to fuel motor vehicles or a fueling tanker being used to deliver gasoline to a gasoline station, where smoking or the use of an open flame is prohibited by a posted sign, is guilty of a Class 3 misdemeanor, and is guilty of a Class 1 misdemeanor if the person causes a fire or explosion. HB 1653; CH. 848.

**§ 46.2-870 amended. Speed limits.** Provides that the maximum speed limit will be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of accident and law-enforcement data, on U.S. Route 29, U.S. Route 58, U.S. Route 360, U.S. Route 460, and on U.S. Route 17 between Port Royal and Saluda where they are nonlimited access, multilane, divided highways. HB 3024; CH. 222 (effective - see bill).

**§ 46.2-870 amended. Speed limits.** Requires that traffic engineering studies conducted prior to posting speed limits on certain highways include analysis of available and appropriate law-enforcement data. SB 783; CH. 544 (effective - see bill).

**§ 46.2-871 amended. Maximum speed limit for school buses.** Increases the maximum speed limit to 60 miles per hour for school buses traveling on interstates and highways where the speed limit is greater than 55 miles per hour. HB 1729; CH. 98.

**§ 46.2-882 amended. Speed determination devices.** Repeals the provision that allows law-enforcement officers using vehicle-based microcomputer devices to perform speed limit enforcement, upon request of any affected motorist, to show the motorist the reading on the device. HB 2357; CH. 231.

**§§ 46.2-891 and 46.2-920.1 amended. Incident management.** Provides that vehicles owned or controlled by the Virginia Department of Transportation (VDOT) are exempt from provisions related to stopping on highways while performing emergency road clearance duties. The bill also provides that, in addition to tow truck operators, VDOT vehicles may perform certain incident management duties. HB 2163; CH. 189.

**§§ 46.2-891 and 46.2-920.1 amended. Incident management.** Provides that vehicles owned or controlled by the Virginia Department of Transportation (VDOT) are exempt from provisions related to stopping on highways while performing emergency road clearance duties. The bill also provides that, in addition to tow truck operators, VDOT vehicles may perform certain incident management duties. This bill contains technical amendments. SB 1144; CH. 918.

**§ 46.2-915 amended. Stickers on mopeds.** Amends the statute requiring stickers on mopeds to reflect the increase in maximum allowable speed of mopeds enacted by the 2006 Session. HB 2113; CH. 111.

**§ 46.2-920 amended. Law-enforcement escorts.** Provides that any federal, state, or local law-enforcement vehicle used in conducting a funeral escort, wide load escort, dignitary escort, or any other escort shall be considered an emergency vehicle and is exempt from obeying certain regulations such as speed limit and traffic signals and signs. HB 2084; CH. 860.

**§ 46.2-920 amended. Law-enforcement escorts.** Provides that any federal, state, or local law-enforcement vehicle used in conducting a funeral escort, wide-load escort, dignitary escort, or any other escort shall be considered an emergency vehicle and is exempt from obeying certain regulations such as speed limit and traffic signals and signs. SB 924; CH. 908.

**§ 46.2-920.2 added. Regulation of traffic; authority of Wildlife Center of Virginia.** Authorizes vehicles owned or controlled by the Wildlife Center of Virginia when specifically requested by a law-enforcement agency to rescue or euthanize injured wildlife to (i) cross medians of divided highways; (ii) use cross-overs and turn-arounds otherwise reserved for use only by authorized vehicles; (iii) drive on a portion of the highway other than the roadway; (iv) stop or stand on any portion of the highway; and (v) operate in any other manner as directed by a law-enforcement officer at the scene. The bill provides that a driver of any such vehicle is not immune from liability, criminal or civil, for reckless behavior. HB 3075; CH. 139.

**§ 46.2-1077 amended. Visual displays in motor vehicles.** Permits visual displays forward of the driver's seat or within view of the driver if used to enhance the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle. HB 2108; CH. 110.

**§ 46.2-1090 amended. School bus warning devices.** Requires that any new bus placed into service on or after July 1, 2007, shall be equipped with warning devices that, at a minimum, include a nonsequential system of red traffic warning lights, a warning sign with flashing lights, and a crossing control arm

such that when the bus door is opened, the red warning lights, warning sign with flashing lights, and crossing control arm are automatically activated. HB 3084; CH. 421.

**§§ 46.2-1095 and 46.2-1100 amended. Child restraint devices.** Increases the age that children must be secured in a child restraint device from five to eight and requires that rear-facing child restraint devices for infants from birth to one year shall be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The bill also removes the exemption from required child restraint device use for the rear cargo area of vehicles other than pickup trucks and increases the age from less than six years old to eight years old for the permitted use of standard seat belt equipment for certain children. HB 1908; CH. 935.

**§§ 46.2-1095 and 46.2-1100 amended. Child restraint devices.** Increases the age that children must be secured in a child restraint device from five to eight and requires that rear-facing child restraint devices for infants from birth to one year shall be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The bill also removes the exemption from required child restraint device use for the rear cargo area of vehicles other than pickup trucks and increases the age from less than six years old to eight years old for the permitted use of standard seat belt equipment for certain children. SB 1060; CH. 91.

**§ 46.2-1130.1 added. Bridges and culverts.** Exempts fire and emergency medical apparatus responding to or returning from emergency calls from weight limits on bridges and culverts, provided the vehicles are not so heavy as to cause immediate structural damage. HB 1679; CH. 177.

**§ 46.2-1130.1 added. Bridges and culverts.** Exempts fire and emergency medical apparatus responding to or returning from emergency calls from weight limits on bridges and culverts, provided the vehicles are not so heavy as to cause immediate structural damage. SB 742; CH. 540.

**§ 46.2-1143 amended. Weight limits for gravel trucks.** Extends from July 1, 2007, to July 1, 2009, the sunset on the statute granting trucks hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination in counties that impose a severance tax on coal and gases the same weight limits prescribed for coal trucks. The bill also requires the Department of Transportation, in consultation with the Commonwealth Transportation Board, to recommend legislation regarding the operation of these overweight vehicles. HB 2917; CH. 523.

**§ 46.2-1149.3 amended; § 46.2-1144.1 added. Overweight permits for tank wagons.** Authorizes issuance of overweight permits for tank wagons. SB 1321; CH. 738.

**§ 46.2-1149.5 added. Overweight permits for underground pipe cleaning, hydroexcavating, and water blasting machinery.** Provides for special overweight permits to be issued by the Commissioner of the Department of Motor Vehicles for the operation of underground pipe cleaning, hydroexcavating, and water blasting machinery on the highway. In addition, the

bill directs the Department of Transportation to recommend legislation regarding the operation of overweight vehicles. HB 1645; CH. 429.

§§ 46.2-1157 and 46.2-1163 amended. **Vehicle safety inspection stickers.** Requires vehicles parked on the highways to display vehicle safety inspection stickers. HB 3045; CH. 137.

§§ 46.2-1157 and 46.2-1163 amended. **Vehicle safety inspection stickers.** Requires vehicles parked on the highways to display vehicle safety inspection stickers. SB 1363; CH. 75.

§§ 46.2-1176, 46.2-1178.1, 46.2-1179.1, 46.2-1187.2, and 46.2-1304.1. See § 10.1-404; HB 3113/SB 1403.

§ 46.2-1219.2 added. **Parking; VDOT commuter parking lots.** Provides that parking a vehicle in a VDOT-owned commuter parking lot in a way not in conformance with posted signs and pavement markings is a traffic infraction. HB 1986; CH. 263.

§ 46.2-1222.2 added. **Local parking ordinances.** Allows local governing bodies by ordinance to limit to no more than two hours the parking on streets adjacent to commercial business areas of vehicles with gross weights in excess of 12,000 pounds or lengths of 30 feet or more, unless actively engaged in loading or unloading operations. HB 2387; CH. 487.

§ 46.2-1231.1 amended. **Towing and recovery operators; exemption from liability.** Provides that towing and recovery operators are exempt from liability in civil actions when they are responding in good faith to the lawful direction of rescue or fire agencies, in the case that life, limb, or property is endangered, to tow, recover, or store a vehicle or its contents. Current law only provides for such an exemption from liability when the towing and recovery operator is responding to the direction of a law-enforcement agency. SB 1042; CH. 376.

§§ 46.2-1307 and 46.2-1307.1 amended. **Law enforcement on private roads.** Provides that for law-enforcement purposes certification of road signs and speed limits by private licensed professional engineers shall have the same effect as if certified by VDOT. HB 2025; CH. 187.

§ 46.2-1307 amended. **Designation of private roads as highways.** Provides that the governing body of any county, city, or town may adopt ordinances designating private roads as highways for law-enforcement purposes within any residential development containing 100 or more dwelling units. HB 3046; CH. 310.

§ 46.2-1307 amended. **Designation of private roads as highways.** Provides that the governing body of any county, city, or town may adopt ordinances designating private roads as highways for law-enforcement purposes within any residential development containing 100 or more dwelling units. SB 1360; CH. 74.

§ 46.2-1521 amended. **Motor vehicle salespersons.** Sets forth conditions under which motor vehicle salespersons can be licensed even if they are not employed by a dealer. HB 2270; CH. 828.

§§ 46.2-1527.3 and 46.2-1527.5 amended. **Motor Vehicle Transaction Recovery Fund.** Provides criteria for the awarding of attorney fees from the Fund. HB 1779; CH. 826.

§ 46.2-1569 amended. **Motor vehicle dealerships.** Affords the buyer of a motor vehicle dealership the means to contest the failure of a manufacturer to approve the transfer of the dealership. HB 1848; CH. 827.

§ 46.2-1569 amended. **Motor vehicle dealers.** Provides for the repurchase of certain dealer assets in the event of the termination of the dealer's franchise. HB 2316; CH. 837.

§ 46.2-1571 amended. **Motor vehicle dealers; compensation for warranty repairs, etc.** Prohibits failure of manufacturers to fully compensate licensed motor vehicle dealers for warranty parts, work, and service either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition. HB 2409; CH. 830.

§ 46.2-2062 amended. **Regulation of taxicab service by localities; public access to financial records.** Provides that financial data collected by local governing bodies shall be used only for consideration of rates or charges, or to determine financial responsibility, and shall be kept confidential by the governing body. The bill provides, however, that any certificate of insurance, bond, letter of credit, or other certification that the owner or operator has met the requirements of this chapter or of any local ordinance with regard to financial responsibility is not confidential. SB 1000; CH. 238.

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## TITLE 46.2. MISCELLANEOUS - MOTOR VEHICLES.

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**Special license plates; Robert E. Lee.** Authorizes the Commissioner of the Department of Motor Vehicles to issue special license plates honoring Robert E. Lee. SB 803; CH. 235.

**Special license plates; U.S. Coast Guard.** Authorizes the issuance of special license plates for members and unmarried surviving spouses of members of the U.S. Coast Guard. HB 2787; CH. 669.

**Special license plates; nurses.** Authorizes the issuance of revenue-sharing special license plates for nurses. HB 1964; CH. 184.

**Special license plates; repeal of authorizations.** Repeals 2006 Session authorizations of special license plates that failed to obtain the required number of prepaid orders. These are special license plates for members of the Virginia State Defense Force, supporters of childhood cancer awareness, supporters of youth soccer, honoring Robert E. Lee, bearing the legend "I VOTED," supporters of the USO, supporters of the National D-Day Memorial Foundation, supporters of the National Multiple Sclerosis Society, veterans of U.S. military operations since September 11, 2001, in Afghanistan and Iraq, supporters

of the Boy Scouts of America, and supporters of 9-1-1 communications professionals. HB 2536; CH. 201.

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## TITLE 47.1. NOTARIES AND OUT-OF-STATE COMMISSIONERS.

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§§ 2.2-409, 47.1-2 through 47.1-5, 47.1-8 through 47.1-14, 47.1-16, 47.1-20, 47.1-21, 47.1-22, 47.1-23, 47.1-25, and 47.1-30 amended; §§ 47.1-7, 47.1-11.1, 47.1-15, and 47.1-29.1 added; §§ 47.1-31 through 47.1-33 repealed. **Notaries public.** Rewrites the notary law to include electronic notarization and details the application and technology requirements for electronic notarization. These particular provisions become effective July 1, 2008. The bill creates a nonreverting technology fee account for the Secretary of the Commonwealth's use. A list of prohibited acts for notaries is included (e.g., use of official seal to promote or oppose products, candidates, etc.; use of signature or seal on incomplete documents; committing fraud under the guise of an official act) that subject the notary to suspension, removal, or reprimand as under current law. The bill also creates a Class 1 misdemeanor for obtaining, concealing, etc., electronic notarization software or hardware. The bill also increases the Secretary's fee for commissioning a notary from \$25 to \$35 and allows a fee of \$35 for commissioning an electronic notary. The fee for notarizing a document remains at \$5, and the fee for electronic notarization is not to exceed \$25. HB 2058; CH. 269 (effective - see bill)/SB 826; CH. 590 (effective - see bill).

§ 47.1-19 amended. **Notaries; fees for services.** Provides that a notary may charge a fee of up to \$5 for services provided. Currently, if a notary charges a fee, the fee shall be \$5. HB 3112; CH. 227.

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## TITLE 48. NUISANCES.

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§ 48-17.1 added. **Alcoholic beverage sale nuisances.** Any locality by or through its mayor, executive, or attorney may file a petition in a circuit court to enjoin the sale of alcohol at any establishment licensed by the Alcohol Beverage Control Board. The basis for such petition shall be that the operator of the establishment has allowed it to become a meeting place for persons committing serious criminal violations of the law. After a final determination has been issued by the ABC Board the injunction is null. HB 1995; CH. 456.

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## TITLE 50. PARTNERSHIPS.

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§§ 12.1-43, 50-73.1, 50-73.4, 50-73.5, 50-73.7, 50-73.11,

50-73.12, 50-73.13, 50-73.15, 50-73.17, 50-73.48:1, 50-73.48:3, 50-73.49, 50-73.53, 50-73.54, 50-73.67, 50-73.77, 50-73.78, 50-73.79, 50-73.83, 50-73.84, 50-73.93, 50-73.101, 50-73.127, 50-73.128, 50-73.129, and 50-73.131 through 50-73.134 amended; §§ 50-73.10:1, 50-73.11:3, and 50-73.11:4 added; §§ 50-73.11:2, 50-73.55, and 50-73.125 repealed. **Limited partnerships and partnerships.** Prohibits the transaction of business as a limited partnership unless the business is a Virginia limited partnership or a foreign limited partnership registered to transact business in Virginia. The measure includes numerous technical amendments that ensure that terminology in the Virginia Limited Partnership Act and Partnership Act conforms to provisions of other Virginia business entity laws. Other provisions centralize and expand the delayed effective date provisions for Virginia limited partnership organizational documents; move the provisions for the conversion of a partnership to a limited partnership to the Limited Partnership Act; amend the filing fees for limited partnership and registered limited liability partnership amendments and cancellations; and transfer responsibility for the filing of amended and restated certificates of limited partnership in circuit court from the Commission to the limited partnership. HB 2142; CH. 631.

§§ 50-73.17, 50-73.83, 50-73.76:1, 50-73.130, and 50-73.150. See § 13.1-616; SB 866.

§§ 50-73.67 and 50-73.70. See § 13.1-615; HB 2603.

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## TITLE 51.1. PENSIONS, BENEFITS, AND RETIREMENT.

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§§ 51.1-124.3 and 51.1-142.2 amended. **Virginia Retirement System; accumulated contributions.** Clarifies that a member's "accumulated contributions" include all employer-paid, tax-deferred contributions. The bill also makes a technical change. HB 2096; CH. 89.

§ 51.1-124.32 amended. **Virginia Retirement System.** Exempts the purchase of disability determination services by the Virginia Retirement System from the Public Procurement Act. HB 2097; CH. 65.

§ 51.1-124.36 amended. **Commonwealth Health Research Fund.** Provides that the investment of moneys in the Commonwealth Health Research Fund would be governed exclusively by the provisions of Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of Title 51.1. HB 2880; CH. 700/SB 793; CH. 711.

§§ 51.1-138 and 51.1-206 amended. **Retirement; benefits for certain state and local public safety officers.** Makes several changes to the benefits of state and local public safety officers and the funding of such benefits.

Deputy sheriffs. All deputy sheriffs would become members of the Law Enforcement Officers' Retirement System (LEOs) beginning July 1, 2008.

State police officers. State police officers would receive a 1.85% average final compensation retirement multiplier, and would continue to receive the additional annual supplement. SB 1166; CH. 819.

§ 51.1-212. See § 29.1-200; HB 1867.

§§ 51.1-600 and 51.1-601 amended; § 51.1-601.1 added. An **Deferred compensation plan for state employees**. Changes the participation in the deferred compensation plan for new state employees hired on or after January 1, 2008, to an "opt-out" plan rather than an "opt-in" plan. HB 1830; CH. 253.

§§ 9.1-403 and 51.1-1132 amended. **Work-related short-term and long-term disability; state police officers**. Provides that the Commonwealth will continue to pay the employer's share of health insurance coverage for the state police officer and his family or dependents during periods of work-related long-term disability. Currently, the employee is responsible for the full cost of coverage during long-term disability. In addition, the bill requires that a law-enforcement agency provide a totally and permanently disabled employee with information about benefits available under the Line of Duty Act and requires that the agency assist such employee with filing a Line of Duty Act claim. HB 2557; CH. 90 (effective 2/23/07).

§§ 51.1-1133 and 51.1-1400 amended. **Virginia Retirement System; long-term disability health insurance credit**. Clarifies that state employees receiving long-term disability benefits are eligible for health insurance credits. HB 2091; CH. 64.

§ 51.1-1401 amended. **Health insurance credits; teachers and other local school board employees**. Increases the monthly health insurance credit for retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill eliminates an overall cap to the credit, and adds retired full-time, salaried employees of local school boards as recipients of the credit. The bill establishes a formula for determining the monthly health insurance credit for teachers whose retirement was for disability. The bill is applicable for current and future retirees from positions as teachers or full-time, salaried employees of local school boards.

Pursuant to this bill, a locality would no longer have the option of providing an additional \$1 health insurance credit to retired teachers, and the maximum credit that a teacher could receive is \$4. HB 2370; CH. 866/SB 1218; CH. 921.

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## TITLE 51.1. MISCELLANEOUS - PENSIONS, BENEFITS, AND RETIREMENT.

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**Virginia Retirement System; information to localities**. Directs the Virginia Retirement System to provide each participating locality the locality-specific data as may be necessary for each locality to determine the specific assumptions that are driving its VRS-related costs, and to understand the re-

tirement costs of different classes of covered employees. Localities may be charged a fee by VRS for the cost of providing such information. HB 2095; CH. 466.

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## TITLE 51.5. PERSONS WITH DISABILITIES.

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§ 51.5-11 amended. **Brain and spinal cord injury registry**. Specifies that the registry shall include all brain and spinal cord injuries, regardless of severity, and updates the language relating to research on human subjects to be consistent with state and federal law. The bill also exempts physicians from the reporting requirement, and changes the timeline for reporting to within 30 days of identification for spinal cord injuries, to be consistent with the requirement for brain injuries. HB 2732; CH. 666.

§ 51.5-25.1 amended. **Statewide Independent Living Council (SILC) and Statewide Independent Living Fund**. Authorizes a SILC to apply for and accept grants, gifts, donations and bequests on behalf of the Council for deposit in the Fund. HB 2269; CH. 473.

§ 51.5-25.1 amended. **Statewide Independent Living Council and Statewide Independent Living Fund (SILC)**. Authorizes the SILC to apply for and accept grants. SB 923; CH. 556.

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## TITLE 52. POLICE (STATE).

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§ 52-26 amended. **Uniform crime reports; shall be distributed in an electronic format**. States that the Superintendent of State Police shall publish and distribute uniform crime reports in an electronic format to the General Assembly and office of the Governor; the availability of the reports shall be publicized to all law-enforcement agencies, attorneys for the Commonwealth, and the courts. HB 3008; CH. 135.

§ 52-34.1 amended. **Virginia Amber Alert Program**. Amends the definition of an "abducted child" to include a person who is enrolled in a secondary school in the Commonwealth regardless of age. HB 2410; CH. 198.

§ 52-34.3 amended. **Virginia Amber Alert Program; use of certain technology**. Requires the State Police, where appropriate and when an existing system is available, to use automatic dialing-announcing device technology to alert residents in a particular geographic area of an Amber Alert. The calls would be targeted to the area where the abducted child was most recently seen. An automatic dialing-announcing device is one that selects and dials telephone numbers to disseminate a pre-recorded or synthesized message. HB 2752; CH. 130.

§§ 15.2-1718.1 and 52-34.4 through 52-34.6 added. **Senior Alert Program**. Creates a program for local, regional, or state-

wide notification of a missing senior adult. The bill defines a missing senior adult as an adult who is over 60 years of age, suffers from a cognitive impairment that renders him unable to provide care to himself without assistance (including a diagnosis of Alzheimer's Disease or dementia), and whose whereabouts are unknown and whose disappearance poses a credible threat to his health and safety. The program is similar to the Amber Alert Program for missing children. The bill also provides that no police or sheriff's department shall establish or maintain any policy that requires a waiting period before a missing senior adult report will be accepted. Such departments are also required, within two hours of receiving such a report, to enter identifying and descriptive information about the missing senior adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the information to the Department of State Police, notify other law-enforcement agencies in the areas, and initiate an investigation of the report. HB 2372; CH. 486/SB 1117; CH. 723.

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## TITLE 52. MISCELLANEOUS - POLICE (STATE).

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**Awards service handgun of Trooper Kevin Carder Manion.** Awards the service handgun of Trooper Kevin Carder Manion to his parents, William K. and Frances Carder Manion. SB 881; CH. 93.

**Award of service pistol and shotgun to Captain Kimberly S. Lettner.** Provides for the transfer to Captain Kimberly S. Lettner of the service pistol and shotgun she used while employed with the Department of State Police. HB 3144; CH. 141.

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## TITLE 53.1. PRISONS AND OTHER METHODS OF CORRECTION.

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**§ 53.1-10 amended. Contracts for the provision of community-based residential services; localities authorized to approve or deny.** Provides that upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services, the Director of Corrections shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue. SB 1378; CH. 392.

**§ 53.1-33 amended. Department of Corrections; physical examination of prisoner; ability to work.** Requires the Department to medically examine each prisoner within 30 days prior to a work assignment in food services, medical services,

or cosmetological services, and within 30 days prior to a change in work assignment. SB 836; CH. 591.

**§ 53.1-96 amended. Jail farms.** Clarifies that a local jail farm may be used to hold or confine a person who could be held or confined in a regional or local jail. HB 1932; CH. 106/SB 1016; CH. 95.

**§ 53.1-120 amended. Courthouse security; assessment.** Increases from \$5 to \$10 the maximum amount a local governing body may assess against a defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse security. SB 1082; CH. 377.

**§§ 53.1-133.02 and 53.1-160.** See § 19.2-11.01; HB 2029/SB 972.

**§ 53.1-145.** See § 19.2-303; HB 3034.

**§ 53.1-221 amended. Civil remedies; persons under disability; incarcerated persons.** Provides that a person for whom a committee is appointed is not deprived of the capacity to make a will and, unless and until a committee is appointed, shall continue to have the same capacity, rights, powers, and authority over his estate, affairs, and property that he had prior to such conviction and sentencing. HB 2647; CH. 508.

**§§ 2.2-3705.7, 53.1-233, and 53.1-234 amended. Transfer of prisoner to facility housing death chamber; confidentiality of execution records.** Provides that the identities of persons designated by the Director to conduct an execution shall be exempt from the Freedom of Information Act, and shall not be subject to discovery or introduction as evidence in any civil proceeding, unless good cause is shown. The bill also removes the specific time constraints on when a prisoner condemned to die must be transferred to the correctional center that houses the death chamber. HB 2418; CH. 652/SB 1295; CH. 737.

**§§ 53.1-261 and 53.1-263 amended. Corrections Private Management Act.** Adds entities that provide corrections services to federal inmates to the definition of prison contractor and provides that security employees of a prison contractor are allowed to use force and exercise their powers and authority while providing inmate security for prisoners at a medical facility in the Commonwealth. SB 1385; CH. 394.

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## TITLE 53.1. MISCELLANEOUS - PRISONS AND OTHER METHODS OF CORRECTION.

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**Conveyance of state-owned property; Southampton County.** Conveys a parcel of real property to Southampton County from the Board of Corrections for use by the sheriff's office. SB 1047; CH. 912.

**Pilot programs for drug and alcohol treatment in local and regional jails.** Allows for drug and alcohol treatment programs for inmates housed within local and regional jails. Requires each drug and alcohol program to submit a report to the Gen-



eral Assembly by December 1, 2007, concerning the participants, accessibility, and the efficacy of the program. SB 1069; CH. 564.

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## TITLE 54.1. PROFESSIONS AND OCCUPATIONS.

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§§ 54.1-300, 54.1-2300, 54.1-2301, and 54.1-2302. See § 32.1-163; HB 3134.

§§ 54.1-300, 54.1-2300, 54.1-2301, and 54.1-2302. See § 32.1-163; SB 1270.

§ 54.1-402.2 added. **Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; powers; cease and desist orders; civil penalty.** Authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to issue cease and desist orders for unlicensed activity. The bill provides for a right of appeal of the Board's issuance of such an order and specifies the civil penalty. HB 1801; CH. 618.

§§ 54.1-505, 54.1-2300, and 54.1-2301. See § 10.1-404; HB 3113/SB 1403.

§§ 54.1-829 and 54.1-830 amended; § 54.1-831.01 added. **Martial Arts Advisory Board.** Establishes the Professional Boxing, Wrestling and Martial Arts Advisory Board to advise the Director of the Department of Professional and Occupational Regulation on matters relating to professional boxing and wrestling events and martial arts competitions in the Commonwealth. The bill accomplishes this by codifying an existing task force and expanding its membership to include a representative of the sport of nontraditional mixed martial arts and a member who is a martial arts instructor who has obtained the rank of black belt or higher. HB 1798; CH. 853 (effective - see bill).

§ 54.1-909 amended. **Board of Branch Pilots; limited branch pilot license.** Removes the reference to draft or ship unit measurements as the basis for determining the vessels that individuals holding a limited branch pilot license may pilot. Effective October 1, 2006, the State Corporation Commission, which regulates fees of the licensed branch pilots, discontinued its usage of a formula that used unit terminology and instituted a formula based on gross tonnage. The change will allow the Board to use the gross tonnage terminology as the basis for determining the vessels that such individuals may pilot. HB 2522; CH. 326/SB 992; CH. 559.

§ 54.1-1101 amended. **Board for Contractors; exemptions; certain career and technical education projects.** Exempts from the contractor licensing requirements work undertaken by students as part of a career and technical education project as defined in § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter 13 of Title

22.1 for the construction of portable classrooms or single family homes. HB 2757; CH. 332.

§§ 54.1-1106, 54.1-4400 through 54.1-4408, 54.1-4411, 54.1-4414, 54.1-4415, 54.1-4416, 54.1-4418, 54.1-4420, 54.1-4421, 54.1-4423 amended; §§ 54.1-4409.1, 54.1-4409.2, 54.1-4412.1, 54.1-4413.2 through 54.1-4413.5 added; §§ 54.1-4409, 54.1-4410, 54.1-4412, 54.1-4413, 54.1-4413.1, 54.1-4417, and 54.1-4419 repealed. **Public Accountancy.** Provides a comprehensive update of the public accountancy statute including: (i) implementing a principles-based approach to licensure, (ii) setting out requirements and standards for issuing an individual and a firm license, for obtaining a license through renewal or reinstatement, and for the lifting of a suspension, (iii) clarifying the consequences of having privileges revoked, and (iv) clarifying the standards of conduct and practice for the profession. The bill also facilitates mobility between states while clarifying that all persons and firms using the CPA title in Virginia or providing services to persons and entities located in Virginia are subject to the same accountancy statutes and regulations whether or not they are required to hold a Virginia license. In addition the bill authorizes the Board of Accountancy to enter into confidential consent agreements for minor violations. The bill requires the Board of Accountancy to adopt regulations concerning under what conditions confidential consent agreements will be offered. The bill contains technical amendments. SB 1395; CH. 804.

§§ 54.1-1140, 54.1-1141, 54.1-1142, and 54.1-1143 amended; § 54.1-1142.1 added. **Board for Contractors; elevator mechanics.** Requires the certification of elevator mechanics in order for them to practice their trade. The bill requires the Board for Contractors to issue temporary certifications in the event of a work stoppage or emergency under certain conditions. The bill contains technical amendments. HB 3162; CH. 424.

§§ 54.1-2100, 54.1-2105, 54.1-2105.1, and 54.1-2344 amended; §§ 54.1-2105.01 through 54.1-2105.04 added. **Department of Professional and Occupational Regulation; Real Estate Board; educational requirements for salespersons and brokers.** Increases from 16 to 24 the number of continuing education hours that must be completed by a broker during a two-year license term. The bill also (i) requires a minimum of three hours of continuing education for salespersons and brokers to be on ethics and standards of conduct, (ii) provides a breakdown of the continuing education curriculum, (iii) changes from two years to one year the time in which a new licensee must complete the Board's 30-hour educational curriculum, and (iv) provides for the Board to develop regulations for ensuring the quality of real estate education and the requirements for proof of identity for applicants taking the principles of real estate examination. The bill has a delayed effective date of July 1, 2008, for the additional educational requirements for real estate salespersons and the increased number of hours of continuing education required of real estate brokers. HB 2064; CH. 809 (effective - see bill).

§ 54.1-2105.1. See § 55-517; HB 2011.

**§ 54.1-2113 amended. Real Estate Board; Real Estate Transaction Recovery Fund.** Allows interest on the Virginia Real Estate Transaction Recovery Fund to be used to educate the public as well as real estate licensees or to be transferred to the Virginia Housing Partnership Revolving Fund. SB 1185; CH. 791.

**§ 54.1-2206.2 amended. Department of Professional and Occupational Regulation; Board for Soil Scientists and Wetland Professionals; requirements for professional wetland delineator certification.** Extends the waiver of the requirement for a reference from and supervision by a certified professional wetland delineator from July 13, 2006, to July 13, 2010. HB 2839; CH. 334 (effective 3/13/07).

**§ 54.1-2344 amended. Department of Professional and Occupational Regulation; Fair Housing Board; membership.** Changes the membership of the Fair Housing Board by increasing from one to two the number of representatives of the residential property management industry, at least one of whom is a member of a property owner's or condominium unit owners' association and adding one citizen member. The overall board is increased from 11 to 12. HB 2595; CH. 874.

**§ 54.1-2400.2 amended. Board of Medicine; information to complaining parties.** Requires health regulatory boards to provide the source and subject of a complaint or report filed about a person licensed, certified, or registered by a health regulatory board with information about the investigative and disciplinary procedures of the Department of Health Professions. Adds the provision that the relevant board may notify the source of the complaint or report of the process that the board followed in making a determination that a disciplinary proceeding need not be instituted. Provides that information on the date and location of any disciplinary proceeding, allegations against the respondent, and the list of statutes and regulations the respondent is alleged to have violated shall be provided to the source of the complaint or report by the relevant board prior to the proceeding and that the source shall be notified of the disposition of the disciplinary case. HB 1682; CH. 395.

**§ 54.1-2403.01.** See § 32.1-11.6; HB 3183.

**§ 54.1-2403.01.** See § 32.1-11.6; SB 1088.

**§ 54.1-2408.1 amended. Health regulatory boards; summary restriction of licenses.** Allows health regulatory boards to summarily restrict the license, certificate, registration or multistate licensure privilege of any person holding a license, certificate, registration, or licensure privilege issued by it, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The board shall schedule an informal conference within a reasonable time of the date of the summary restriction. HB 2212; CH. 22.

**§ 54.1-2409.4 added. Health professions; authority to send laboratory test results directly to patients.** Allows any health care practitioner licensed pursuant to Title 54.1 who orders a laboratory test or other examination of the physical condition of any person to, if so requested by the patient or his legal

guardian, inform the laboratory or other facility conducting the test or examination to provide a copy of the report of the results directly to the patient or his legal guardian. HB 3061; CH. 887/SB 1341; CH. 930.

**§ 54.1-2709 amended. Dentistry licensure; removes exam requirement.** Removes the requirement that an applicant for a license to practice dentistry has not failed a clinical examination required by the Board in the five years immediately preceding his application. HB 2377; CH. 20.

**§§ 54.1-2722 and 54.1-3408 amended. Dental hygienists; authority to administer topical oral fluorides.** Authorizes dental hygienists to administer topical oral fluorides pursuant to an oral or written order or standing protocol issued by a dentist or a doctor of medicine or osteopathic medicine. HB 2994; CH. 702.

**§§ 6.1-5, 54.1-2820, and 54.1-2822 amended. Burial and funeral expenses; preneed contracts.** Authorizes an incorporated association that is authorized to sell burial association group life insurance certificates, and that has the principal purpose of assisting its members in financial planning for their funerals and burials and obtaining insurance for the payment for funeral and burial expenses, to serve as the trustee of a trust established to fund a preneed funeral contract. The measure also clarifies the method of calculating the inflation adjustment that is required when a life insurance or annuity contract is used to fund a preneed funeral contract. HB 1953; CH. 621.

**§§ 54.1-2900, 54.1-2910.1, and 54.1-2912.3 amended; § 54.1-2910.2 added. Board of Medicine; disciplinary procedure.** Requires the Board to make available via any department website information regarding any final orders together with any associated notices which impose disciplinary action against a licensee of the Board. Prohibits the Board from posting notices that have not been adjudicated. Provides that notices and orders that did not result in disciplinary action may be removed upon written request of the licensee. Limits information regarding claims provided to consumers to medical malpractice judgments and settlements of more than \$10,000 within the most recent 10-year period. Changes requirement that Board assess competency of person on whose behalf three medical malpractice claims are paid within a 10-year period to requirement that the Board assess the competency of a person on whose behalf three medical malpractice settlements of more than \$10,000 are paid within the most recent 10-year period. HB 2157; CH. 861.

**§ 54.1-2952.1 amended. Prescription of certain controlled substances and devices by licensed physician assistants.** Authorizes licensed physician assistants to prescribe Schedule II through VI controlled substances and devices on and after July 1, 2007. HB 1963; CH. 16.

**§ 54.1-2959 amended. Supervised training programs for medical students; prohibition of unauthorized pelvic exams.** Prohibits students participating in a course of professional instruction or clinical training program from per-

forming a pelvic examination on an anesthetized or unconscious female patient unless the patient or her authorized agent gives informed consent to such examination, the performance of such examination is within the scope of care ordered for the patient, or in the case of a patient incapable of giving informed consent, the examination is necessary for diagnosis or treatment of such patient. HB 2969; CH. 678.

§§ 54.1-2982 and 54.1-2984. See § 32.1-292.2; HB 2684.

§§ 54.1-2982 and 54.1-2984. See § 32.1-292.2; SB 918.

§§ 54.1-3316, 54.1-3434.3, 54.1-3435.1, and 54.1-3435.3 amended; §§ 54.1-3315, 54.1-3322, and 54.1-3435.5 repealed. **Board of Pharmacy; grounds for discipline.** Consolidates, clarifies, and adds grounds for the discipline of persons and entities regulated by the Board of Pharmacy. HB 2649; CH. 662.

§ 54.1-3408 amended. **Administration of drugs or devices; addition of medical assistants.** Authorizes personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine who are acting pursuant to a specific order for a patient and under a doctor's direct and immediate supervision to administer controlled substances, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for the administration. HB 2037; CH. 17.

§ 54.1-3408. See § 32.1-42.1; HB 2845/SB 1108.

§ 54.1-3450 amended. **Schedule III controlled substances.** Adds embutramide to the list of Schedule III controlled substances. HB 2178; CH. 14.

§ 54.1-3482 amended; § 54.1-3482.1 added. **Health professions; direct access to physical therapists.** Allows patients to seek treatment from a licensed physical therapist, who also holds a certain certificate, without a referral when the following conditions are met: (i) the patient, at the time of presentation to a physical therapist, is not under the care of a physician; (ii) the patient identifies a practitioner from whom he intends to seek treatment if his condition does not improve; (iii) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and (iv) the physical therapist notifies the identified practitioner no later than three days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The bill also contains requirements for a certificate allowing physical therapists to provide such services. HB 2087; CH. 18/SB 1305; CH. 9.

§ 54.1-3807 amended; § 54.1-3813 added. **Equine dental technicians; registration.** Sets forth procedures for (i) registration and (ii) denial, revocation, or suspension of registration. Establishes a penalty for performing specified activities by an unregistered individual. Specifies that practice as an equine dental technician prior to the effective date of regulations promulgated to implement this act shall not constitute grounds for

disciplinary action by the Board of Veterinary Medicine. HB 2363; CH. 754.

§ 54.1-3913.1 amended. **Clients' Protection Fund.** Allows the Supreme Court to adopt rules assessing members of the Virginia State Bar an annual fee of up to \$25 to be deposited in the State Bar Fund and transferred to the Clients' Protection Fund. The authority to adopt such rules will expire on July 1, 2015. SB 1426; CH. 807.

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## TITLE 55. PROPERTY AND CONVEYANCES.

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§ 55-14.1 added. **Doctrine of worthier title abolished.** Abolishes the doctrine of worthier title as a rule of law and as a rule of construction. HB 2829; CH. 215.

§ 55-34.7. See § 26-40.01; HB 2767.

§ 55-50.1 amended. **Enjoyment of easement.** States that unreasonable interference with the enjoyment of an easement includes placing objects immediately adjacent to the easement not reasonably consistent with the uses contemplated by the grant of the easement. Fences, electric fences, cattle guards, gates, or division fences adjacent to the easement shall not constitute an object under the statute. SB 1384; CH. 931.

§§ 55-79.73:1, 55-79.75, and 55-510 amended. **Condominium and Property Owners' Association Acts; amendment of documents; notice of meetings.** Authorizes notice of association meetings to be sent either by United States mail to all unit owners of record at the address of their respective units or to such other addresses as any of them may have designated to such officer or his agent, in addition to the option of hand delivery of such notices. The bill contains technical amendments fixing nomenclature specific to the Condominium Act. HB 2861; CH. 675.

§§ 55-79.81, 55-79.97, 55-511, and 55-512 amended; §§ 55-79.74:01 and 55-514.2 added. **Condominium and Property Owners' Association Acts; insurance; deposit of funds; charges for and delivery of resale certificates/disclosure packets.** Requires any managing agent of a condominium and property owners' association to keep funds deposited with the managing agent in fiduciary trust accounts in a federally insured financial institution, and to keep such funds segregated from other assets of the managing agent. The bill also requires condominium associations to obtain a blanket fidelity bond or employee dishonesty insurance policy in a minimum amount of \$10,000. The bill allows condominium and property owners' associations to collect a fee for preparation of a resale certificate or disclosure packet, respectively, if the fee is established in the contract between the association and its managing agent and the fee is disclosed on the website of either the association or the managing agent. The bill requires the prompt payment of the above fee to the managing agent who furnishes the resale certificate/disclosure packet. The bill allows either type of association to deliver the resale certificate/disclosure

packet by electronic means unless the purchaser or seller requests a paper copy. Currently, delivery by electronic means can only be done with the consent of the seller or purchaser. The bill contains technical amendments. HB 2016; CH. 696/SB 844; CH. 712.

**§ 55-79.87 amended. Condominium Act; commercial condominiums; escrow of deposits.** Eliminates the requirement for escrowing deposits in the context of disposition of a unit in a commercial condominium. HB 2015; CH. 266.

**§§ 55-79.90, 55-79.97, and 55-513.1 amended; § 55-79.75:2 added. Condominium and Property Owners' Association Acts; display of flags.** Provides that no condominium instrument or declaration shall restrict or prohibit the display by a unit or lot owner of the flag of the United States. The bill provides, however, that an association may restrict the display of such flag in the common areas and may establish reasonable restrictions as to the size, place, and manner of placement or display. The bill also requires the public offering statement, resale certificate, or association disclosure packet to contain a statement of any restrictions on size, place, and manner of placement or display of the flag. HB 1836; CH. 854/SB 969; CH. 910.

**§ 55-79.94 amended. Condominium Act; conversion condominiums; rights of elderly and persons with disabilities.** Allows any tenant who is disabled or elderly to assign the exclusive right to purchase his unit to a government agency, housing authority, or certified nonprofit housing corporation, which shall then offer the tenant a lease at an affordable rent, in the case of a conversion condominium. The bill provides that the acquisition of such units by the governmental agency, housing authority, or certified nonprofit housing corporation shall not (i) exceed the greater of one unit or five percent of the total number of units in the condominium or (ii) impede the condominium conversion process. The bill defines affordable rent and certified nonprofit housing corporation. HB 2727; CH. 665/SB 968; CH. 602.

**§ 55-79.95 amended. Condominium Act; escrow of deposits; posting of surety.** Authorizes the filing of a surety bond or letter of credit by the declarant of a condominium project with more than 50 units with the Real Estate Board in lieu of escrowing deposits. The amount of surety bonds or letters of credit is set forth in the bill. HB 1850; CH. 445.

**§ 55-182.2.** See § 10.1-404; HB 3113/SB 1403.

**§§ 55-222, 55-248.4, 55-248.13, 55-248.15:1, and 55-248.15:2 amended. Landlord termination of lease for rehabilitation; update of interest on security deposit.** Allows a landlord to terminate a lease upon 120 days' notice to tenant for substantial rehabilitation of a building with four or more rental units, regardless of the terms of the lease. The bill also (i) provides that a landlord is liable only for the tenant's actual damages proximately caused by the landlord's failure to exercise ordinary care in maintaining a habitable premises, (ii) authorizes landlords to receive on security deposits an annual interest rate equal to four percentage points below the Federal Reserve

Board discount rate, rather than the current one percent, (iii) codifies current practice that a landlord may charge a \$50 processing fee for a bad check tendered for rent, and (iv) updates the 2007 interest rate on security deposits. HB 2188; CH. 634.

**§ 55-232.** See § 8.01-127; HB 2425.

**§ 55-248.21:1 amended. Virginia Residential Landlord and Tenant Act; early termination of leases by military personnel.** Removes the provision that final rent, in the event of early termination of the rental agreement by military personnel, is to be prorated to the date of termination and payable at such time as would have otherwise been required by the terms of the rental agreement. The bill conforms the Virginia Residential Landlord and Tenant Act to federal law on this issue. HB 1816; CH. 252.

**§ 55-248.31 amended. Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement.** Provides that the failure of the court to hold a hearing in cases where there is a breach of the tenant's obligations under the Virginia Residential Landlord and Tenant Act or the rental agreement, which involves or constitutes a criminal or a willful act that is not remediable and poses a threat to health or safety, shall not be a basis for dismissal of the case. HB 2147; CH. 273.

**§ 55-299 amended. Lawful fence; definition.** Amends the definition of a lawful fence for fences of barbed wire and fences of boards. The definition of a lawful fence is also expanded to include any fence that is at least 42 inches high, constructed from materials sold for fencing and appropriate for the confinement of livestock, and installed so that livestock cannot creep through the fence. The bill also grants the Board of Agriculture and Consumer Services the authority to adopt rules and regulations to provide greater specificity as to the requirements of lawful fencing. SB 1219; CH. 574.

**§§ 55-362, 55-370, 55-370.1, and 55-374 amended; §§ 55-376.3 and 55-376.4 added. Virginia Real Estate Time-Share Act; assumption of the risk.** Provides for limited liability of a developer, time-share association, or managing agent for injuries to persons using the time-share facilities if the developer, time-share association, or managing agent posts notice of such limited liability. The bill also provides that the homestead exemption cannot be claimed against the debt or lien of the association. The bill allows for the use of email in certain circumstances and adds several new definitions relating to the limitation of liability described above. HB 2017; CH. 267.

**§ 55-414 amended. Slayer statute; construction.** Provides that, in the event that federal preemption causes a person to, not for value, receive a benefit to which he is not entitled under Virginia's slayer statute, the improper beneficiary shall bestow the benefit, either the item itself or its value, on the proper beneficiary. HB 2765; CH. 301.

**§§ 54.1-2105.1, 55-517 through 55-522, 55-524, and 55-525**

**amended. Virginia Residential Property Disclosure Act.**

Amends the required residential property disclosure/disclaimer statement developed by the Real Estate Board by eliminating the disclaimer provisions. Under the bill, the statement will now be a disclosure statement and will contain the six minimum disclosures, thereby conforming to actual usage, requiring the buyer to use due diligence. This bill is a recommendation of the Virginia Housing Commission. HB 2011; CH. 265.

**§ 55-519 amended. Virginia Residential Property Disclosure Act; required disclosures.** Requires an owner of residential property to also notify purchasers that there are no pending violations of any local zoning ordinances that the owner has not abated or remedied, within a time period set out in the written notice of violation or established by a court of competent jurisdiction. SB 1114; CH. 784.

**§ 55-532.** See § 13.1-801; SB 1286.

**§§ 55-541.05, 55-545.01, 55-545.03, and 55-545.06 amended. Spendthrift trust; related duties.** The changes to § 55-541.05 make the statute more consistent with other related code sections and the common law rule imposing on trustees the duty to act in good faith in accordance with the terms of the trust and the interests of the beneficiaries. Changes to §§ 55-545.01, 55-545.03 and 55-545.06 make it clear that an exception creditor cannot reach a beneficiary's interest even if the instrument contains a spendthrift provision, allow the court to limit an exception creditor's access to a beneficiary's benefits, and define mandatory distribution, respectively. HB 2832; CH. 216.

**§ 55-542.06 amended. Uniform Trust Code; charitable trusts; public notice.** Provides that notice by publication shall be given to the general public when there is a court proceeding to modify or terminate a charitable trust or to sell its real estate, in order to give members of the public the opportunity to share their views with the Attorney General. A court shall make a finding that the required notice has been given before conducting any trial or hearing. HB 2251; CH. 752.

**§ 55-546.04 amended. Validity of trust.** Corrects the numbering scheme of the statute to conform to the uniform trust law. HB 2836; CH. 218.

**§ 55-548.10 amended. Uniform Trust Code; deeding property.** Provides that deeds or other instruments that purport to convey or transfer real or personal property to a trust instead of to the trustee shall be deemed to have conveyed or transferred the property to the trustee as fully as if the property was conveyed or transferred directly to the trustee. HB 2395; CH. 197.

**§ 55-548.13 amended. Uniform Trust Code; trustee's duty to beneficiary.** Provides that if a trustee has a good faith belief that furnishing information to a beneficiary would be unreasonable under the circumstances or contrary to the purposes of the settlor he shall not be subject to removal or other sanctions. HB 1838; CH. 254.

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## TITLE 55. MISCELLANEOUS - PROPERTY AND CONVEYANCES.

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**City of Richmond escheat verdict.** Authorizes the Governor to disclaim any interest, right or title to certain parcels of property located in the City of Richmond that had been the subject of an escheat proceeding dated December 29, 1989. The verdict of jury resulting from such escheat proceeding was properly filed among the land records of the circuit court although seemingly unrecognized by the former landowners, the City of Richmond, and subsequent purchasers. The bill does not prevent a suit to quiet title or any other judicial remedy available, which a party may pursue on any individual lot or parcel covered by the bill. An instrument of disclaimer, the form of which will be developed by the Attorney General, will be filed among the land records of the City of Richmond. HB 3181; CH. 348.

**Conveyance of certain real property to Caroline County for the use of the Rappahannock Area Community Services Board.** Authorizes the Commonwealth Transportation Commissioner to convey certain real property to Caroline County, for the assessed value as determined by the Caroline County Commissioner of the Revenue, for the purpose of effectuating a subsequent conveyance of the property to the Rappahannock Area Community Services Board. If the Rappahannock Area Community Services Board ceases to use the property as an adult day care center or for the provision of mental health, substance abuse and other related services, or Caroline County does not use the property for other governmental purposes, the Commonwealth shall give written notice thereof to either Caroline County or the Rappahannock Area Community Services Board which shall then have 90 days to comply with the required uses of the property. If compliance is not achieved, the property shall be conveyed back to the Commonwealth and the Commonwealth may petition a court to enforce this reversionary interest. The bill provides that such conveyance shall be made in a form approved by the Attorney General and that the appropriate officials of the Commonwealth are authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance. HB 1851; CH. 855.

**Property conveyance; former Virginia State Police Area Office.** Conveys the former Virginia State Police Area Office on State Route 83 near the area known as Vansant, Virginia, to the County of Buchanan. SB 1083; CH. 913.

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## TITLE 56. PUBLIC SERVICE COMPANIES.

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**§ 56-1 amended. Voice-over-Internet protocol service.** Revises the definition of Voice-over-Internet protocol service to eliminate references to Internet protocol-compatible customer

premises equipment. Providers of Voice-over-Internet protocol service are exempt from regulation by the State Corporation Commission. HB 1885; CH. 619.

§§ 56-15 and 56-265.1. See § 15.2-912.1; HB 2928.

**§ 56-46.1 amended. Construction of electrical utility facilities; review of applications by State Corporation Commission.** Requires the State Corporation Commission to conduct an analysis of the facility applicant's assessment of need, load flow analysis, and method of installation. Utilities are required to provide a GIS map of any proposed improvement or extension to the Commission, which shall make the GIS map publicly available on its website. HB 2614; CH. 756.

§ 56-46.1. See § 15.2-2202; HB 3031.

**§ 56-46.1 amended. Power plant siting.** Establishes a pre-application planning and review process for certain gas or electric utility facilities. SB 1031; CH. 776.

**§ 56-46.1 amended. Construction of electrical utility facilities; review of applications by State Corporation Commission.** Reduces the threshold for the size of electrical transmission lines requiring approval of the State Corporation Commission from 150 kilovolts to 138 kilovolts. Utilities are required to provide a GIS map of any proposed improvement or extension to the Commission, which shall make the GIS map publicly available on its website. The measure requires the Commission to conduct an analysis of the applicant's assessment of need, load flow analysis, and method of installation. The measure also makes several technical changes. SB 1362; CH. 825.

§§ 56-233.1, 56-234.2, 56-235.2, 56-235.6, 56-249.6, 56-576 through 56-581, 56-582, 56-584, 56-585, 56-587, 56-589, 56-590, and 56-594 amended; §§ 56-585.1, 56-585.2, and 56-585.3 added; §§ 56-581.1 and 56-583 repealed. **Electric utility regulation.** Advances the scheduled expiration of the capped rate period from December 31, 2010, to December 31, 2008, establishes a new mechanism for regulating the rates of investor-owned electric utilities, and limits the ability of most consumers to purchase electric generation service from competing suppliers. The ratemaking procedure requires the State Corporation Commission (SCC) to conduct a rate case for investor-owned utilities in 2009; thereafter, the SCC will review each utility's rates, terms, and conditions using two 12-month test periods ending December 31, 2010, though the SCC is given discretion to stagger the years in which it conducts such reviews. In these biennial reviews the SCC will determine fair rates of return on common equity for the utility's generation and distribution services, using any methodology it finds consistent with the public interest. However, the return shall not be set: (i) lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods by a peer group of a majority of the other vertically-integrated investor-owned electric utilities in the southeastern United States with a Moody's bond rating of at least Baa or (ii) higher than 300 basis points above that average. Increases in the rate of return are capped based on

the rate of increases in the Consumer Price Index (CPI). The SCC may increase or decrease the rate of return by a Performance Incentive of up to 100 basis points based on the generating plant performance, customer service, operations and efficiency of a utility. In setting the return on equity, the SCC is required to strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities. If the combined rate of return on common equity earned is no more than one half of one percent above or below this rate of return, the return shall not be considered either excessive or insufficient. Each utility may seek rate adjustment clauses to recover (i) costs for transmission services provided by PJM Interconnection under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission (FERC) and costs of FERC-approved demand response programs; (ii) deferred environmental and reliability costs authorized under prior capped rate rules; (iii) costs of providing incentives for the utility to design and operate fair and effective demand-management, conservation, energy efficiency, and load management programs; (iv) costs of participation in the new renewable energy portfolio standard program; and (v) costs of projects that the SCC finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations, which costs may include the enhanced rate of return for new base load generation if the project would reduce the need for construction of new generation facilities by enabling the continued operation of existing generation facilities. A utility may also apply a rate adjustment clause for recovery from customers of the costs of (i) a coal-fired generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, (ii) one or more other generation facilities, or (iii) one or more major unit modifications of generation facilities, to meet the utility's projected native load obligations. The utility may recover an enhanced rate of return on common equity associated with the type of project, which may include projects utilizing nuclear power, renewable technologies, carbon capture facilities, combined cycle combustion turbines, and conventional coal facilities. The period over which the enhanced rate of return may be collected depends on the type of facility, as determined by the SCC within specified ranges. The SCC's final order on any petition filed for any of the rate adjustment clauses shall be entered within a specified period after the filing of the petition, and any rate increase required by the clause shall go into effect within 60 days or upon the end of capped rates, whichever is later. The SCC is required to consider petitions for rate adjustment clauses on a stand-alone basis, without regard to the other costs or revenues of the utility. The enhanced returns are subject to revocation if permits are not applied for or construction is not commenced by specified dates. If the SCC determines in a biennial review that a utility underearned by at least 50 basis points on its generation and distribution services, excluding provisions for new generation facilities, the SCC is required to increase the utility's rates to a level necessary to provide the opportunity to fully recover the costs of providing the utility's

services and to earn such fair rate of return. If the SCC determines in a biennial review that a utility earned more than 50 basis points above a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities, the SCC is required to direct that 60 percent of such overearnings be credited to customers' bills over a period of between 6 and 12 months, to be determined by the SCC. In addition, if the SCC determines that the utility's earnings exceed this limit for two consecutive biennial review periods, it shall also order reductions to the utility's rates, provided that rates may not be reduced to levels below what would provide the utility with the opportunity to fully recover its costs and to earn a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities. If the Commission determines that and the utility's total aggregate regulated rates would exceed the annual increases in CPI, when compared to the utility's rates as determined in the biennial review for a base period (either the utility's first test period or the most recent test period for which credits are applied to customers' bills), the Commission shall direct, unless such action would not be in the public interest, that any or all of such overearnings be credited to customers' bills. An electric utility that demonstrates that it has a reasonable expectation of achieving 12 percent of its base year electric energy sales from certain renewable energy sources during calendar year 2022 may participate in a renewable energy portfolio standard program. Under the program, a participating utility that meets specified percentage goals for sales of eligible renewable energy is eligible for a Performance Incentive that increases the fair combined rate of return on common equity for the utility by a 50 basis points through the third succeeding biennial review if it continues to meet the RPS Goals. It is also entitled to an enhanced rate of return on the costs associated with the construction of renewable energy generation facilities used to provide the renewable energy. Participating utilities may recover their incremental costs of meeting the RPS Goals from customers other than large industrial customers purchasing electricity at large general service rates and at primary or transmission voltage. Double credits will be provided for energy from solar or wind sources. Specific provisions address the use of certain wood products for projects qualifying to meet the renewable energy goals. With regard to the ability of customers to purchase generation services from competing providers, the measure provides that after the capped rate period ends, only customers whose annual demand exceeds five megawatts will be permitted to shop. However, two or more individual nonresidential retail customers may aggregate their demand for the purpose of meeting the five megawatt threshold if the Commission finds that neither their incumbent electric utility nor its retail customers will be adversely affected and that the demand of the customers who are allowed to buy power from competitors will not exceed one percent of the utility's peak annual load. Aggregating customers may petition the SCC to aggregate their supply, even if their aggregated load exceeds 1% of the utility's demand, if the aggregation would not harm other utility customers or the utility. The ability of large customers to purchase electric power from

a licensed competitive supplier is subject to the condition that they cannot thereafter purchase electricity from their incumbent utility without giving 5 years' notice, with certain exceptions; however, the 5-year notice requirement does not apply if the SCC finds that waiving it would not harm other utility customers or the utility. Municipalities are allowed to aggregate the electric energy load of their governmental operations for the purpose of negotiating rates and terms, and conditions of service from the electric utility certificated by the Commission to serve the territory in which such operations are located. Other provisions (i) require the deferral over the period 2008-2010 of a portion of Dominion's 2007 fuel factor increase; (ii) authorize electric utilities to seek approval of optional performance-based regulation methodologies to the same extent as gas utilities; (iii) require that 75 percent of the margins from off-system sales be applied to the utility's fuel expenses unless the SCC finds by clear and convincing evidence that a smaller percentage is in the public interest; (iv) require rates of distribution electric cooperatives to be regulated pursuant to the provisions of Chapters 9.1 and 10 of Title 56, subject to the ability to increase rates without SCC approval by not more than five percent over three years and to make certain other changes to terms and conditions of service; (v) provide that the measure does not modify or impair the terms, unless otherwise modified by an order of the SCC, of any SCC order approving the divestiture of generation assets; (vi) direct the SCC to complete by December 15, 2007, a proceeding to develop a plan to identify and implement demand side management, conservation, energy efficiency, load management, real-time pricing, and consumer education programs in order to achieve by 2022 a stated goal of reducing the consumption of electric energy by retail customers by ten percent of the amount consumed by such customers in 2006; (vii) direct the Office of the Attorney General to identify issues of the act that impede its implementation; (viii) direct the Department of Taxation to conduct an analysis of the potential implications of the provisions of this measure on the system of taxation; (ix) ensure that utilities use competitive bidding in purchasing and construction practices; (x) increase the cap on power that a utility may be required to purchase from eligible customer-generators under the net energy metering program from 0.1% to one percent of the utility's adjusted peak load; and (xi) allow competitive service providers to offer 100% renewable power to retail customers in any area of the Commonwealth where the customer's incumbent utility does not offer such a tariff. Provisions of the Electric Utility Restructuring Act that exempt the generation of electric energy from regulation, prohibit public service corporations from exercising the power of eminent domain to acquire property for generation facilities, authorize the collection of wires charges, and authorize competition for metering and billing services are repealed. HB 3068; CH. 888/SB 1416; CH. 933.

**§ 56-235.2 amended. Income tax; public utilities.** Directs the State Corporation Commission to determine the federal and state income tax costs for investor-owned water, gas or electric utilities that are part of a publicly traded consolidated group by calculating its apportioned state income tax costs according to

the applicable statutory rate and its federal income tax costs according to the applicable federal income tax rate, excluding any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates. HB 3153; CH. 537.

**§ 56-484.14 amended; §§ 56-484.19 through 56-484.25 added. Multiline telephone systems.** Requires multiline telephone systems acquired or installed on or after July 1, 2009, to be maintained and operated so that calls to 9-1-1 from each telephone station on the system provide either automatic location and number identification information or an alternative method of providing call location information. The Wireless E-911 Services Board is directed to monitor developments in E-911 service and multiline telephone system technologies. HB 1603; CH. 427.

**§ 56-573.1:1.** See § 2.2-3705.6; SB 1002.

**§§ 56-575.1, 62.1-198, and 62.1-199 amended. Virginia Public-Private Education Facilities and Infrastructure Act; provision of wireless broadband services.** Specifies that the Virginia Public-Private Education Facilities and Infrastructure Act can be used for projects related to the technology and infrastructure necessary to deploy wireless broadband services to schools, businesses, and residential areas. The bill also authorizes the Virginia Resources Authority to fund wireless broadband projects. HB 2381; CH. 649.

**§§ 56-575.1, 56-575.3:1, 56-575.4, 56-575.16, and 56-575.18.** See § 30-278; SB 756.

**§ 56-586.1.** See § 10.1-404; HB 3113/SB 1403.

**§§ 56-580 and 56-594 amended. Net energy metering; sales of net electricity.** Requires the default service provider to enter into an agreement to purchase any excess electricity generated by an eligible customer-generator that is consistent with the minimum requirements for such contracts established by the State Corporation Commission. The measure also makes Old Dominion Power subject to the same net energy metering provisions that apply to other investor-owned electric utilities. Old Dominion Power had been exempt from all provisions of the Electric Utility Restructuring Act. HB 2708; CH. 877 (effective - see bill).

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## TITLE 57. RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES.

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**§ 17.1-406 amended; § 57-2.02 added. Religious freedom.** Reiterates an individual's freedom of religion and prohibits a government entity from unduly burdening such right. The bill provides a cause of action for declaratory or injunctive relief for violation. A person prevailing in such an action may recover reasonable costs and attorney fees, but not monetary damages. A petition for appeal to the Court of Appeals may be made from any decision to grant or deny declaratory and in-

junctive relief. The provisions of the bill shall not prevent any governmental institution or facility from maintaining health, safety, security, or discipline. The bill does not apply to the Department of Corrections, the Department of Juvenile Justice, any facility of the Department of Mental Health, Mental Retardation and Substance Abuse Services that treats civilly committed sexually violent predators, or any local, regional or federal correctional facility. HB 3082; CH. 889.

**§ 57-48.** See § 32.1-292.2; HB 2684.

**§ 57-48.** See § 32.1-292.2; SB 918.

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## TITLE 58.1. TAXATION.

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**§ 58.1-113 added. Reporting to the Department of Taxation; nonprofit hospitals.** Requires nonprofit hospitals to provide to the Department of Taxation a copy of any federal 990 or 990-EZ tax form filed with the Internal Revenue Service. The bill would require nonprofit hospitals to also provide to the Department a copy of any interim tax forms, reports, or returns filed with or provided to the Internal Revenue Service. The bill would require all such returns and information to be provided within 30 days of the same being filed with or provided to the Internal Revenue Service. HB 2022; CH. 746.

**§ 58.1-301 amended. Taxation; conformity with Internal Revenue Code.** Conforms the Commonwealth's system of taxation with the Internal Revenue Code, when applicable, as of December 31, 2006. HB 1696; CH. 59 (effective 2/19/07)/SB 1105; CH. 782 (effective 3/23/07).

**§ 58.1-312 amended. Abusive income tax avoidance transactions; statute of limitations.** Extends from three years to six years the period in which the Department of Taxation may assess income tax for any tax return filed based in whole or in part on an abusive tax avoidance transaction. An "abusive tax avoidance transaction" means a transaction that has been identified by the Tax Commissioner as such a transaction and that has been published by the Tax Commissioner. HB 2920; CH. 524.

**§§ 58.1-321 and 58.1-322 amended. Individual income tax; filing threshold amounts.** Increases the filing thresholds for the state income tax for individuals to \$11,250 in 2008, \$11,650 in 2010, \$11,950 in 2012; and for married persons to \$22,500 in 2008, \$23,300 in 2010, and \$23,900 in 2012. The bill also increases the personal exemption amount to \$930 in 2008. HB 3022; CH. 527/SB 778; CH. 543.

**§ 58.1-322 amended. Income tax; deduction for unreimbursed organ donation expenses.** Provides an income tax deduction for unreimbursed expenses that are paid by an organ and tissue donor and that have not been taken as a medical deduction on the taxpayer's federal income tax return, effective for taxable years beginning on or after January 1, 2007. The amount of the deduction is the lesser of \$5,000 or the actual amount paid by the taxpayer. HB 2220; CH. 636.



**§ 58.1-322 amended. Income tax deduction; Virginia College Savings Plan.** Increases from \$2,000 to \$4,000 the annual income tax deduction allowed for purchases and contributions for prepaid tuition contracts or savings trust accounts entered into with the Virginia College Savings Plan. The increase would become effective for taxable years beginning on or after January 1, 2009. SB 785; CH. 942.

**§ 58.1-322 amended. Individual income taxes.** Provides that income and loss of an electing small business corporation (S corporation) subject to Virginia's bank franchise tax shall be excluded by the shareholders of such S corporation in computing individual income taxes. However, such shareholders would be subject to the individual income tax on any distributions received from such S corporation. SB 1283; CH. 359.

**§ 58.1-339.7 amended. Residential tax credit; increased accessibility and visitability for the disabled.** Requires the Department of Housing and Community Development to develop guidelines establishing the eligibility requirements for the tax credit in § 58.1-339.7. Changes the name of the disabled tax credit to the "Livable Home Tax Credit" and extends it to any taxpayer who purchases a new residence. This bill is a recommendation of the Virginia Disability Commission. HB 2498; CH. 68.

**§ 58.1-339.7 amended. Residential tax credit; increased accessibility and visitability for the disabled.** Requires the Department of Housing and Community Development to develop guidelines establishing the eligibility requirements for the tax credit in § 58.1-339.7. Changes the name of the disabled tax credit to the "Livable Home Tax Credit" and extends it to any taxpayer who purchases a new residence. The bill would cap the tax credit at \$500 for the purchase of a new residence or for the retrofitting of an existing residence. This bill is a recommendation of the Virginia Disability Commission. SB 791; CH. 765.

**§ 58.1-344.3 amended. Voluntary contributions of refunds; Spay and Neuter Fund.** Distributes a contribution made to the Spay and Neuter Fund through the voluntary contribution of tax refunds to the locality in which the filer resides. The locality must use the contribution for the provision of low-cost spay and neuter surgeries or it may make the funds available to any private, nonprofit sterilization program for dogs and cats in the locality. All contributions to the Spay and Neuter Fund are currently distributed to the Virginia Federation of Humane Societies. HB 2525; CH. 69.

**§ 58.1-344.3 amended. Voluntary contributions of tax refunds; new organizations.** Adds public library foundations and Celebrating Special Children, Inc. to the list of organizations that may receive contributions for taxpayer refunds. The organizations will be added to the bottom of the list of other organizations waiting to appear on the income tax return. HB 2602; CH. 70.

**§ 58.1-344.3 amended. Income tax; checkoff for Department for the Aging.** Establishes an income tax check off for income tax refund contributions to the Department for the Ag-

ing to be used for Medicare Part D counseling. This would be in addition to the current check off for income tax refund contributions to the Department for the Aging for providing transportation services to the elderly. SB 954; CH. 601.

**§§ 36-55.63 and 58.1-435 amended. Low-income housing credit; consolidation of Code sections.** Consolidates provisions of the low-income housing tax credit currently appearing in Titles 36 (Housing) and 58.1 (Taxation). The bill would consolidate the tax credit provisions into § 58.1-435 and provide a cross-reference to the tax credit in § 36-55.63. SB 1054; CH. 778.

**§ 58.1-439.7 amended. Income tax credit for machinery and equipment for processing recyclable materials; extend sunset.** Extends the sunset for the income tax credit for purchase of machinery and equipment for processing recyclable materials from January 1, 2007, to January 1, 2015. The bill also makes the credit available to individual income tax filers. Credits earned by a pass-through entity are to be allocated in proportion to each individual's ownership in the pass-through entity. HB 3044; CH. 529 (effective - see bill).

**§ 58.1-439.7 amended. Income tax credits; machinery and equipment used in recycling process.** Extends the sunset date from January 1, 2007, to January 1, 2015, for the income tax credit for machinery and equipment used to produce goods from recyclable materials. The bill would also make the credit available to individual income taxpayers. Currently, only corporate income taxpayers may claim the credit. SB 870; CH. 593 (effective - see bill).

**§ 58.1-472 amended. Withholding tax; filing returns.** Allows employers to submit their withholding tax returns on the 25th day of the following month rather than the 20th day, effective January 1, 2008. HB 2284; CH. 753 (effective 1/1/08).

**§ 58.1-478.1 added. Withholding taxes; information furnished.** Provides that no person filing a withholding tax return for an organization, through use of an electronic medium, would be required to provide his social security number for such purposes. However, such person would be required to provide his name, social security number, wages, and taxes withheld in any file or batch report that includes the same information for all employees of the organization. SB 862; CH. 770.

**§§ 58.1-486.1 and 58.1-486.2 added. Withholding tax; pass-through entities.** Requires pass-through entities to withhold and remit to the Tax Commissioner an amount equal to five percent of the allocable Virginia taxable income of all non-resident owners of the pass-through entity. A nonresident owner may take as a credit against Virginia income tax due his or its allocable Virginia income tax withheld and remitted to the Tax Commissioner by the pass-through entity. SB 1238; CH. 796.

**§§ 58.1-540, 58.1-811, 58.1-3237.1, 58.1-3257, 58.1-3292.1, 58.1-3381, 58.1-3506.2, and 58.1-3818.** See § 15.2-912.1; HB 2928.

§§ 58.1-602 and 58.1-609.3 amended. **Sales and use tax; commercial and industrial exemptions; railroad rolling stock.** Provides an exemption from the sales and use tax for railroad rolling stock when sold or leased by the manufacturer. HB 2148; CH. 751.

§§ 2.2-1514, 10.1-1188, 15.2-2317 through 15.2-2327, 15.2-2403, 15.2-4839, 15.2-4840, 33.1-3, 33.1-13, 33.1-19.1, 33.1-23.03, 33.1-23.03:8, 33.1-223.2:12, 33.1-268, 33.1-269, 33.1-277, 46.2-694, 46.2-694.1, 46.2-697, 46.2-1135, 58.1-605, 58.1-606, 58.1-811, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2403, 58.1-2425, 58.1-2701, and 58.1-2706 amended; §§ 15.2-2223.1, 15.2-2328, 15.2-2329, 15.2-2403.1, 15.2-4838.1, 30-278 through 30-282, 33.1-23.4:01, 33.1-391.6 through 33.1-391.15, 46.2-206.1, 46.2-702.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-625.1, 58.1-802.1, 58.1-815.4, 58.1-1724.2 through 58.1-1724.7, 58.1-2402.1, 58.1-2531, 58.1-3221.2, and 58.1-3825.1 added. **Transportation funding and reform.** Provides (i) statewide funding of transportation projects through current funds and additional funds, (ii) authority to the Northern Virginia Transportation Authority and the Hampton Roads Transportation Authority to impose regional fees and taxes for transportation in their respective areas, (iii) authority to each locality embraced by either Authority to impose an additional real property tax on commercial property with the revenues to be used for transportation, and (iv) several administrative and efficiency reforms impacting transportation. The bill also authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$3 billion for statewide transportation funding with the debt service on such bonds to be paid from one-third of the annual revenues from the state tax on insurance businesses. HB 3202; CH. 896.

§§ 58.1-609.1, 58.1-625, and 58.1-626 amended. **Sales tax exemption; energy-efficient products.** Provides a sales tax exemption for purchases of certain Energy Star qualified products with a sales price of \$2,500 or less made during a four-day period each year in mid-October. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. The sales tax holiday would expire in July of 2012. HB 1678; CH. 176/SB 867; CH. 817.

§ 58.1-609.6 amended. **Sales and use tax exemption; textbooks withdrawn from inventory.** Extends from July 1, 2008, to July 1, 2012, the sunset date of the current sales and use tax exemption for textbooks and educational materials distributed by publishers to professors at no cost. HB 1674; CH. 58/SB 999; CH. 604.

§ 58.1-609.10 amended. **Sales and use tax; exemption for alternative fuel-burning stoves.** Provides an exemption from the retail sales and use tax beginning July 1, 2007, and ending July 1, 2012, for multifuel heating stoves used by the individual purchaser for heating his residence. Such stoves are capable of burning a variety of alternative fuels, including, but not lim-

ited to, shelled corn, wood pellets, cherry pits, and olive pits. HB 1640; CH. 84.

§ 58.1-609.10 amended. **Sales and use tax exemption; churches.** Expands the sales and use tax exemption for property purchased by churches to (i) property used in caring for or maintaining property owned by the church including, but not limited to, mowing equipment, and (ii) building materials installed by the church and for which the church does not contract with a person or entity to have installed. HB 2724; CH. 758.

§ 58.1-609.11 amended. **Sales and use tax exemption; non-profit entities.** Requires nonprofit entities seeking sales and use tax exempt status that have annual gross receipts of at least \$1 million to provide the Department of Taxation with a financial audit performed by an independent certified public accountant and those with annual gross receipts between \$750,000 and \$1 million to provide the Department with a financial audit or a financial review by an independent certified public accountant. HB 2545; CH. 698.

§ 58.1-609.11 amended. **Sales and use tax; tax exemption for nonprofit entities.** Requires nonprofit entities seeking sales and use tax exempt status that have annual gross receipts of at least \$750,000 but less than \$1 million to provide the Department of Taxation with a financial audit or review performed by an independent certified public accountant. Entities with gross annual receipts of \$1 million or greater must file an audit. HB 3062; CH. 704/SB 743; CH. 709.

§§ 58.1-625 and 58.1-626 amended; § 58.1-611.3 added. **Sales and use tax exemption; hurricane preparedness equipment.** Provides a sales and use tax exemption, beginning in 2008, for certain hurricane preparedness equipment purchased during a seven-day period each year beginning on May 25. The sales and use tax holiday will sunset on July 1, 2012. SB 1167; CH. 608.

§ 58.1-648 amended. **Communications sales and use tax exemption for military base customers; emergency.** Provides an exemption from the communications sales and use tax for customers on any federal military bases or installations when a franchise fee is payable to the federal government. HB 2723; CH. 811 (effective 1/1/07).

§ 58.1-802 amended. **Recordation tax.** Clarifies that the tax rate is applied to the greater of the consideration paid or the value of the interest conveyed. HB 2059; CH. 748/SB 822; CH. 768.

§ 58.1-811. See § 13.1-1002; HB 2292/SB 794.

§ 58.1-1505 amended. **Aircraft sales and use tax; deferral/exemption.** Provides an exemption from the aircraft sales and use tax for aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe opera-

tion), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation). SB 1172; CH. 610.

**§§ 58.1-1803 and 58.1-1821 amended. Collection of taxes by the Department of Taxation.** Prohibits the Department of Taxation from engaging debt collectors outside the Department to collect taxes that are less than 90 days delinquent, and requires the Department to provide on the initial assessment notice to the taxpayer of the taxpayer's rights to apply to the Tax Commissioner for a correction in the assessment and the right to have the Tax Commissioner refrain from actions to collect the tax after receipt from the taxpayer of notice of intent to file for such correction. HB 2135; CH. 750 (effective 3/23/07).

**§§ 58.1-2289, 58.1-3660, and 58.1-3664.** See § 10.1-404; HB 3113/SB 1403.

**§§ 58.1-3210, 58.1-3213, and 58.1-3215 amended; § 58.1-3211.1 added. Real estate tax relief for the elderly and permanently and totally disabled.** Authorizes local governments to extend real estate tax relief to dwellings jointly held between individuals not all of whom are at least age 65 or permanently and totally disabled. The tax relief would be prorated based upon the percentage of ownership interest in the dwelling held by all joint owners who are at least age 65 or permanently and totally disabled. As a condition of the property qualifying for real estate tax relief, the bill establishes additional net worth thresholds that cannot be exceeded. The additional net worth thresholds would not allow any exclusion for the dwelling in question. SB 1265; CH. 357.

**§ 58.1-3211 amended. Real property tax exemptions; elderly and disabled.** Increases the income limit for elderly and disabled taxpayers in certain Northern Virginia localities from \$72,000 to \$75,000 for real property tax exemptions. HB 1744; CH. 60.

**§ 58.1-3211 amended. Real estate tax relief; elderly and permanently and totally disabled.** Increases from \$52,000 to \$62,000 the income limit in certain cities and counties for eligibility for elderly and permanently and totally disabled real estate tax relief programs. SB 788; CH. 587.

**§ 58.1-3221.2 added. Classification of real property; energy-efficient buildings.** Permits localities to tax certain energy-efficient buildings, not including the land on which they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent. Energy-efficient building certification shall be determined by any qualified licensed engineer or contractor who is not related to the taxpayer and who shall certify to the taxpayer that he has qualifications to provide the certification. HB 2618; CH. 328.

**§ 58.1-3221.2 added. Classification of real property; energy-efficient buildings.** Permits localities to tax certain energy-efficient buildings, not including the land on which

they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30 percent. Energy-efficient building certification shall be determined by any qualified licensed engineer or contractor who is not related to the taxpayer and who shall certify to the taxpayer that he has qualifications to provide the certification. SB 1051; CH. 354.

**§ 58.1-3321 amended. Real estate tax; limitation on tax rate.** Increases from seven to 14 days the minimum notice that a locality must give the public of a public hearing in which the locality proposes to increase its total real estate tax levies more than 101% of the prior year's tax levies, and requires that such notice be posted in the building where the governing body of the locality ordinarily meets, as well as in a newspaper. SB 1063; CH. 948.

**§ 58.1-3330 amended. Real property tax; change in assessment notice.** Provides that a notice of the change in the assessment of real estate does not have to include certain information for changes due to construction of or additions to improvements on real estate. HB 3093; CH. 344.

**§ 58.1-3330 amended. Notice of change in assessment.** Provides that if a change in assessment arises solely from the construction or addition of new improvements, then notice of such change in assessment need not set out the new tax rate or the percentage change in the new tax levy from the immediately prior one. It also provides that such notice may omit reference to districts for those localities that have elected by ordinance to prepare land and personal property books in alphabetical order. SB 848; CH. 353.

**§ 58.1-3506 amended. Tangible personal property; separate classification for wireless broadband service providers.** Creates a separate classification for local taxation purposes for tangible personal property owned and used by certain providers of wireless broadband Internet service in providing such service. HB 2385; CH. 322.

**§§ 58.1-3506 and 58.1-3916 amended. Tangible personal property; classifications.** Establishes a separate class of tangible personal property for aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation). HB 2013; CH. 88/SB 1171; CH. 609.

**§ 58.1-3507 amended. Machinery and tools tax; idle machinery and tools.** Provides a uniform statewide statutory classification and taxation for idle machinery and tools on a prospective basis by allowing such machinery and tools to be

taxed as capital as long as they have not been used for at least one year prior to tax day or they have been identified in writing by the taxpayer to the commissioner of the revenue as machinery and tools that the taxpayer intends to withdraw from service prior to the next tax day. HB 2181; CH. 191 (effective 1/1/07)/SB 1151; CH. 159 (effective 1/1/07).

**§ 58.1-3523 amended. Personal Property Tax Relief Act definitions.** Adds to the definition of "qualifying vehicle" those vehicles that are held in a private trust for nonbusiness purposes by an individual beneficiary. HB 1880; CH. 314.

**§ 58.1-3523 amended. Personal Property Tax Relief Act of 1998.** Requires the commissioner of the revenue to rely upon the information at the Department of Motor Vehicles in determining whether a vehicle qualifies for tax relief, unless he has information that the Department's registration information is incorrect or incomplete. HB 2975; CH. 815.

**§ 58.1-3713 amended. Severance tax; extends sunset date.** Extends the sunset date from December 31, 2007, to December 31, 2012, for the local coal and gas road improvement tax. HB 1628; CH. 57/SB 734; CH. 586.

**§ 58.1-3732 amended. Business, professional, occupational license tax; motor fuels tax exemption.** Clarifies that the motor fuels tax is exempt from gross receipts for purposes of the BPOL tax. HB 1695; CH. 85 (effective 1/1/01).

**§ 58.1-3732 amended. Business, professional, occupational license tax; motor fuels tax exemption.** Clarifies that the motor fuels tax is exempt from gross receipts for purposes of the BPOL tax. The bill would be retroactively effective January 1, 2001. SB 772; CH. 834.

**§ 58.1-3819 amended. Transient occupancy tax; Amherst County.** Authorizes Amherst County to impose the local transient occupancy tax at a rate of five percent with the revenues in excess of two percent designated for tourism and marketing of tourism initiatives. SB 811; CH. 767.

**§ 58.1-3819 amended. Transient occupancy tax; Northampton County.** Authorizes Northampton County to impose a transient occupancy tax at a rate up to five percent, with any revenues collected in excess of two percent to be used for tourism and marketing of tourism initiatives. HB 1714; CH. 86/SB 904; CH. 596.

**§ 58.1-3825.** See § 3.1-22.30; HB 1834.

**§ 58.1-3921 amended. Duties of treasurers.** Requires treasurers to make out a list of uncollected balances of previously billed tangible personal property taxes on vehicles that (i) were owned by taxpayers, now deceased, upon whose estates no qualification has been made, or (ii) were transferred to bona fide purchasers for value without knowledge, on the part of the persons so transferring, of the unpaid taxes. HB 2390; CH. 867.

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## TITLE 59.1. TRADE AND COMMERCE.

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**§ 59.1-41.6 amended. Commercial production of unlawful audio and audio-visual recordings.** Clarifies penalty language in the law proscribing the commercial production of unlawful audio and audio-visual recordings. SB 1397; CH. 805.

**§§ 59.1-123 and 59.1-129 amended; §§ 59.1-136.1 through 59.1-136.7 added. Scrap metal processors.** Establishes requirements regarding purchases of scrap metal by scrap metal processors. Scrap metal processors shall not purchase nonferrous scrap (including stainless steel), metal articles, and proprietary articles directly from a person who is not an authorized scrap seller or its agent without recording the seller's identification information and the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller, in a permanent ledger. The ledger shall be available for review by law-enforcement officials or conservators of the peace. Scrap metal processors are prohibited from purchasing such objects from persons under age 18. Negligent violations are subject to a civil penalty not to exceed \$7,500, and knowing violations are a Class 1 misdemeanor. Materials used in the provision of health care by a licensed professional are exempt. SB 1140; CH. 917.

**§§ 59.1-148.3, 59.1-284.13, 59.1-284.14, and 59.1-284.15.** See § 15.2-912.1; HB 2928.

**§ 59.1-153.** See § 2.2-4001; HB 2537.

**§ 59.1-153.** See § 2.2-4001; SB 1139.

**§ 59.1-296 amended. Health spas; comparable alternative facilities.** Allows a health spa owner to transfer ownership of a facility and all its contracts to a new owner. A health spa owner remains authorized to close a facility and transfer its contracts to another facility it owns, if the other facility is reasonably of like kind, in nature and quality, and if the other facility is within five miles of the closed facility. HB 3087; CH. 683.

**§§ 59.1-310.1, 59.1-310.3, and 59.1-310.5 amended. Operation of tanning facilities.** Requires prospective tanning facility customers to sign a written statement warning of potential dangers. If the prospective customer is under age 15 and not emancipated, the parent or legal guardian must sign the statement every six months. Statements shall be kept at the facility. Facility owners are required to identify each customer's skin type based on the Fitzpatrick scale, and advise customers as to their maximum time of recommended exposure. Tanning devices shall be cleaned or sanitized after each use. Tanning facilities shall not claim that the use of tanning devices is safe, free from risk, or will provide health benefits. SB 1231; CH. 575.

**§§ 59.1-365 and 59.1-369 amended; § 59.1-376.1 added. Virginia Racing Commission; advance deposit account wagering; temporary licenses.** Requires the Virginia Racing

Commission to adopt regulations concerning the conduct of advance deposit account wagering and authorizes the issuance of temporary licenses to operate advance deposit account wagering under certain circumstances. The bill specifies the distribution of the amounts wagered using advance deposit account wagering. The bill requires the Virginia Racing Commission to adopt emergency regulations to implement the provisions of the bill. HB 2626; CH. 757 (effective 3/23/07).

§ 59.1-392. See § 3.1-22.30; HB 1834.

§§ 59.1-466.1 through 59.1-466.4 added. **Truth in Music Advertising Act; civil penalty.** Makes it unlawful for a person, performer or performing group, or its agent, to advertise or conduct a live musical performance or production in the Commonwealth through the use of an affiliation, connection, or association, known to be false, deceptive or misleading, with intent to defraud the public, between a performing group and a recording group. Violators are subject to a civil penalty of not less than \$5,000 nor more than \$15,000 per violation. HB 1969; CH. 261.

§ 59.1-548 amended. **Enterprise zone real property investment grants.** Decreases from 30 to 20 the percentage of a real property investment for which real property investment grants may be awarded. HB 2417; CH. 287/SB 1057; CH. 242.

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## TITLE 60.2. UNEMPLOYMENT COMPENSATION.

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§ 60.2-315 amended. **Special Unemployment Compensation Administration Fund; discretionary expenditures.** Increases the maximum amount of discretionary expenditures that may be paid from the Special Unemployment Compensation Administration Fund in any fiscal year from \$200,000 to \$375,000. SB 1056; CH. 241.

§ 60.2-512 amended. **Unemployment tax filing; domestic service employees.** Requires the Virginia Employment Commission to permit employers to pay unemployment taxes and file reports annually, commencing in 2009, for employment of domestic service in the private home of the employer if the quarterly payroll is not more than \$5,000. Currently such payments and filings are made quarterly. HB 964; CH. 426 (effective 1/1/09).

§ 60.2-512 amended. **Electronic filing of employer's reports with the Virginia Employment Commission.** Requires employers with 100 or more employees to file quarterly reports electronically commencing January 1, 2009. Currently, employers with 250 or more employees are required to file quarterly reports on a magnetic medium. Any employer required to file electronically who fails to do so without good cause shown shall, unless he has obtained a waiver, be assessed a penalty of \$75. HB 2272; CH. 638.

§ 60.2-602 amended. **Unemployment compensation; maximum weekly benefit.** Increases the maximum weekly benefit from \$347 to \$363 for claims effective on or after July 1, 2007. HB 2066; CH. 628.

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## TITLE 62.1. WATERS OF THE STATE, PORTS AND HARBORS.

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§§ 10.1-1408.5, 62.1-44.3, and 62.1-44.29 amended; §§ 62.1-44.15:20 through 62.1-44.15:23 added; § 62.1-44.15:5 repealed. **Virginia Water Protection Permit.** Restructures the Virginia Water Protection Permit statute by placing the provisions into a separate article of the State Water Control Law titled "Water Resources and Wetlands Protection Program." The provisions are currently included as a section under the general powers of the Water Control Board. Existing permits are exempted from any changes and shall remain in effect until their specified expiration dates or until they are otherwise amended, modified, repealed, or revoked. HB 2539; CH. 659.

§§ 62.1-44.3, 62.1-44.4, 62.1-44.5, 62.1-44.7, 62.1-44.8, 62.1-44.9, 62.1-44.11, 62.1-44.13, 62.1-44.14, 62.1-44.15, 62.1-44.15:01, 62.1-44.15:1, 62.1-44.15:1.1, 62.1-44.15:2, 62.1-44.15:3, 62.1-44.15:4, 62.1-44.15:5, 62.1-44.15:5.01, 62.1-44.15:5.1, 62.1-44.15:6, 62.1-44.15:7, 62.1-44.16, 62.1-44.17, 62.1-44.17:1, 62.1-44.17:1.1, 62.1-44.17:3, 62.1-44.17:4, 62.1-44.18, 62.1-44.18:2, 62.1-44.18:3, 62.1-44.19, 62.1-44.19:1, 62.1-44.19:2, 62.1-44.19:3, 62.1-44.19:5, 62.1-44.19:6, 62.1-44.19:7, 62.1-44.19:8, 62.1-44.19:14, 62.1-44.19:15, 62.1-44.19:16, 62.1-44.19:18, 62.1-44.20, 62.1-44.21, 62.1-44.23, 62.1-44.25, 62.1-44.26, 62.1-44.27, 62.1-44.28, 62.1-44.29, 62.1-44.31, 62.1-44.32, 62.1-44.33, 62.1-44.34:8, 62.1-44.34:9, 62.1-44.34:9.1, 62.1-44.34:10, 62.1-44.34:11, 62.1-44.34:15, 62.1-44.34:15.1, 62.1-44.34:16, 62.1-44.34:18, 62.1-44.34:19, 62.1-44.34:19.1, 62.1-44.34:19.2, 62.1-44.34:20, 62.1-44.34:21, 62.1-44.34:22, 62.1-44.34:23, 62.1-44.34:25, 62.1-44.36, 62.1-44.37, 62.1-44.38, 62.1-44.39, 62.1-44.40, 62.1-44.41, 62.1-44.42, 62.1-44.43, 62.1-44.115, 62.1-44.116, 62.1-67, 62.1-69.25, 62.1-69.36, 62.1-69.45, 62.1-73, 62.1-85, 62.1-104, 62.1-105, 62.1-106, 62.1-107, 62.1-109, 62.1-111, 62.1-195.1, 62.1-218, 62.1-224, 62.1-225, 62.1-227, 62.1-229, 62.1-229.1, 62.1-229.2, 62.1-229.3, 62.1-230, 62.1-230.1, 62.1-241.1, 62.1-241.2, 62.1-241.4, 62.1-241.6, 62.1-241.7, 62.1-241.8, 62.1-241.12, 62.1-242, 62.1-243, 62.1-244, 62.1-245, 62.1-247, 62.1-248, 62.1-249, 62.1-250, 62.1-251, 62.1-252, 62.1-255, 62.1-256, 62.1-259, 62.1-260, 62.1-261, 62.1-262, 62.1-263, 62.1-264, 62.1-265, 62.1-266, 62.1-267, 62.1-268, 62.1-269, and 62.1-270. See § 10.1-404; HB 3113/SB 1403.

§ 62.1-44.15 amended. **Stormwater inspectors.** Removes the certification of stormwater inspectors required by the Department of Environmental Quality. This requirement is no longer needed because much of the stormwater program has been

transferred to the Department of Conservation and Recreation. HB 2180; CH. 633.

§§ 62.1-44.15 and 62.1-246. See § 2.2-4001; HB 2537.

§§ 62.1-44.15 and 62.1-246. See § 2.2-4001; SB 1139.

§ 62.1-44.15 amended. **Sewage overflows.** Authorizes the State Water Control Board to issue administrative orders to owners of municipal sewer systems that need corrective actions to prevent sanitary sewer overflows. Places a "safe harbor" provision into Virginia law similar to that found in § 309 of the Clean Water Act. SB 798; CH. 144.

§ 62.1-44.15:5.02 added. **Low-flow protections.** Requires any Virginia Water Protection Permit issued after July 1, 2007, authorizing the withdrawal of water from the Potomac River and its tributaries for any purpose other than municipal water supply, to incorporate low-flow protections if the withdrawal exceeds 500,000 gallons per day. As a condition of permit, the permittee will be required to augment instream flow during low-flow periods by having available offstream storage equal to the amount of water that is consumed in excess of 500,000 gallons per day. The bill provides several ways for a permittee to comply with this requirement. HB 2487; CH. 656.

§ 62.1-44.19:3 amended; §§ 62.1-44.19:3.1 through 62.1-44.19:3.4 added; §§ 32.1-164.2 through 32.1-164.7 repealed. **Land application of biosolids.** Consolidates the program that regulates the application of biosolids (sewage sludge) under one agency, the Department of Environmental Quality (DEQ). Currently, the responsibility for regulation of the land application of biosolids is split between DEQ and the Department of Health. The bill also requires DEQ to conduct unannounced site inspections while biosolids are being applied. A fee of \$7.50 is assessed on each dry ton of sewage sludge applied in the Commonwealth. The bill becomes effective on January 1, 2008, provided that adequate funds have been appropriated and adequate positions have been authorized to administer the program. HB 2802; CH. 881 (effective - see bill)/SB 1339; CH. 929 (effective - see bill).

§§ 32.1-164.5 and 62.1-44.19:3 amended. **Storage of sewage sludge.** Provides that a locality may adopt an ordinance requiring that a special exception or a special use permit be obtained to begin the storage of sewage sludge in its jurisdiction. No ordinance may require a special exception or a special use permit to begin the storage of sewage sludge if such sludge will be stored on the same farm to which it will be land applied. SB 1300; CH. 927 (effective 4/4/07).

§§ 32.1-164.5 and 62.1-44.19:3 amended. **Land application of sewage sludge.** Requires that the local government certify, within 30 days, as part of the state permit application to store sewage sludge, that the site of the proposed storage is in compliance with all local ordinances. The bill also gives localities the authority to adopt an ordinance that reasonably restricts the storage of sewage sludge to certain areas or parcels based on public health, welfare, or safety criteria. Any such ordinance will not apply to a farmer who stores sewage sludge for land application on his own farm within 45 days. The Department

of Environmental Quality or the Department of Health permit application filled out by the person applying the sewage sludge is not considered complete until there is such local certification. SB 1313; CH. 390.

§ 62.1-44.19:5 amended. **Water quality monitoring.** Establishes April 30 of each year as the deadline for the public to submit its recommendations of which specific water segments should be included in the State Water Control Board's water quality monitoring plan. The Board is to respond to the recommendations by August 31. Currently, the Board has until April 30 to respond to citizen recommendations that have been submitted by December 31 of the preceding year. HB 2483; CH. 655.

§ 62.1-44.19:11 amended. **Water quality monitors.** Establishes as a goal of the Department of Environmental Quality having citizen volunteers monitor 3,000 stream miles by 2010. HB 1859; CH. 29.

§ 62.1-44.19:15 amended. **Waste load allocations.** Allows the State Water Control Board to grant waste load allocations for the Chesapeake Bay watershed nutrient credit exchange program to facilities operating under a Virginia Pollution Abatement permit under limited conditions. HB 1847; CH. 27.

§ 62.1-44.118. See § 2.2-220; HB 2229.

§ 62.1-194 amended. **Casting garbage.** Increases the fine for dumping garbage into the waters of the state from a maximum of \$100 to \$1,000. HB 1715; CH. 24.

§ 62.1-194.1 amended. **Obstructing or contaminating waters.** Increases the penalty for obstructing or contaminating state waters to a Class 1 misdemeanor. Currently, the penalty is a fine of not less than \$100 nor more than \$500 or confinement in jail for not more than 12 months, or both. HB 1758; CH. 26.

§§ 62.1-198 and 62.1-199. See § 56-575.1; HB 2381.

§§ 62.1-198 and 62.1-199 amended. **Virginia Resources Authority.** Expands projects that can be financed through the Authority to include programs or projects for land conservation or land preservation. HB 2694; CH. 663/SB 1211; CH. 81.

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## TITLE 63.2. WELFARE (SOCIAL SERVICES).

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§ 63.2-100 amended. **Definition of abused or neglected child.** Specifies that a decision by parents or another person with legal authority over a child to refuse a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority for the child, and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority, and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority, and the child believe in good faith

that such decision is in the child's best interest. Stipulates that this test shall not be construed to limit the provisions of § 16.1-278.4 on children in need of services. HB 2319; CH. 479.

**§ 63.2-100 amended. Definition of abused or neglected child.** Specifies that a decision by parents or another person responsible to refuse a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person responsible and the child; (ii) the child has reached the age of 14 and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person responsible and the child have considered alternative treatment options; and (iv) the parents or other person responsible and the child believe in good faith that such decision is in the child's best interest. SB 905; CH. 597.

**§ 63.2-217.** See § 2.2-4001; HB 2537.

**§ 63.2-217.** See § 2.2-4001; SB 1139.

**§§ 63.2-608, 63.2-609, 63.2-611, and 63.2-612 amended. Virginia Initiative for Employment Not Welfare Program.** Modifies the Temporary Assistance for Needy Families Program to increase Virginia Initiative for Employment Not Welfare (VIEW) requirements. This bill also eliminates food stamps from the subsidies replaced by the Full Employment Program, eliminates community work experience placement, and certain VIEW program exemptions. The bill authorizes posttermination payments of up to \$50 per month for recipients who work at least 30 hours per week. SB 1133; CH. 568.

**§ 63.2-805 amended. Home Energy Assistance Program.** Reduces the frequency of the reports required from the Department of Social Services regarding the effectiveness of low-income energy assistance programs in the Commonwealth. Currently, reports are due by October 1 of each year until October 1, 2007, on which date the reporting requirement is scheduled to cease. The measure provides that after October 1, 2007, reports will be due biennially. HB 1692; CH. 312.

**§ 63.2-901.1 amended. Criminal history and central registry check; birth parents.** Exempts birth parents revoking an entrustment agreement pursuant to § 63.2-1223 or 63.2-1817, or revoking a placement agreement, from criminal history and central registry checks. HB 1687; CH. 617.

**§§ 63.2-901.1, 63.2-903, 63.2-1201, 63.2-1202, 63.2-1212, 63.2-1213, 63.2-1222, 63.2-1223, 63.2-1226, 63.2-1229, 63.2-1233, and 63.2-1241 amended. Adoption laws.** Provides that a birth father, including one married to the birth mother, may consent to the termination of all of his parental rights prior to the birth of the child and that an executed denial of paternity by the putative father is sufficient to rebut the presumption that he is the father. The court is allowed to dispense with requirements regarding filing of the birth father's identifying information in certain instances. The bill provides that if a birth parent or legal guardian executing a consent, entrustment, or other document related to the adoption, cannot

provide the identification required by a notary the birth parent may execute a self-authenticating affidavit as to his identity. Reduces from 21 to 15 days the amount of time a father has to object to an entrustment after notice to make it consistent with provisions changed in 2006. The bill allows a court to waive certain procedural provisions with regard to the spouse of an adoptive parent where the procedural provisions apply only to one adoptive parent. No notice or consent is required of any birth parent of a child whose adoption was finalized in a foreign country or for whom a guardianship order was granted when the child was approved by the United States Citizenship and Immigration Services for purposes of adoption. When there has been an interstate transfer of the child in a parental placement adoption all matters relating to the adoption of the child including, but not limited to, custody and parentage shall be determined in the court of appropriate jurisdiction in the state that was approved for finalization of the adoption by the interstate compact authorities. Clarifies that if the putative father's identity is reasonably ascertainable, he must be noticed as the Putative Father Registry dictates. The background check requirement is waived for a birth parent who revokes an entrustment or placement agreement. A number of the changes conform the law to changes made during the 2006 Session. HB 1985; CH. 623/SB 1041; CH. 606.

**§ 63.2-901.1 amended. Criminal history and central registry check for placements of children.** Establishes mandatory background checks for prospective foster or adoptive parents that consist of three parts: (i) a sworn statement or affirmation disclosing whether an individual has a criminal conviction or pending charges or has been the subject of a founded case of child abuse or neglect; (ii) fingerprinting forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation to obtain criminal history information; and (iii) searches of the central child abuse and neglect registry maintained pursuant to § 63.2-1515 and similar registries required by federal law in any other state where a prospective parent or other adult in the home has resided in the preceding five years. Provides that in the case of an emergency, a local board must search the central registry and obtain a written affirmation from the individual prior to placement. Prohibits approval of foster or adoptive homes where an individual has record of an offense set forth in § 63.2-1719 or a founded complaint of child abuse or neglect as maintained in registries pursuant to § 63.2-1515 and the Adam Walsh Child Protection and Safety Act (42 U.S.C.S. 16901 et seq.). HB 2504; CH. 871 (effective 4/1/07).

**§ 63.2-1208 amended. Adoption; records of child.** Provides that the investigative report that must be made to the circuit court shall include a statement by the child-placing agency or local director of social services that all reasonably attainable background, medical and psychological records of the child have been provided to the prospective adoptive parents, a list of the records provided, and the relevant physical and mental history of the birth parents if known. HB 1897; CH. 446.

**§ 63.2-1231 amended. Home study for adoption; simultaneous meeting.** Changes the requirement that a social worker

meet with the birth parent(s) and prospective adoptive parents simultaneously to an optional provision. Provides that such meetings may occur simultaneously or separately, upon the agreement of both parties. HB 1905; CH. 808.

**§§ 19.2-389 and 63.2-1505 amended. Child abuse or neglect; criminal history records; dissemination of such information.** Authorizes dissemination of criminal history record information and search results from the child abuse and neglect registry of individuals and other adult household members to support removal of a child during an evaluation for placement or to support an investigation of child abuse or neglect. Such information may be admissible in court if an abuse or neglect petition is filed, however, if the individual who is the subject of such information contests its accuracy through testimony under oath, the court shall not receive the information without certified copies of the individual's conviction. HB 2517; CH. 495.

**§ 63.2-1601.1.** See § 19.2-389; SB 1207.

**§ 63.2-1726 amended. Background check required; children's residential facilities.** Strengthens criminal background check requirements for employees, volunteers, and providers of contractual services to children's residential facilities. Requires Departments to obtain the results of the background check before allowing an applicant to work with children. Adds numerous statutory offenses, including abduction, carjacking, threats, stalking, use of a machine gun, child pornography, incest, and felony drug possession, to the list of crimes that preclude employment at children's residential facilities. Additional offenses parallel those identified as "barrier crimes" in § 63.2-1719. Permits a children's residential facility to hire applicants with a misdemeanor conviction for assault and battery, provided 10 years have elapsed and the offense did not occur in the context of former employment or volunteer work. Prohibits state children's residential facilities from hiring employees or accepting volunteers who have a founded case of child abuse or neglect. The new requirements only apply to persons who did not work or volunteer at the facility prior to July 1, 2007. SB 1208; CH. 573.

**§ 63.2-1732.** See § 32.1-127; HB 2345/SB 1229.

**§ 63.2-1805 amended. Assisted living facilities; aging in place.** Provides that the Department shall not order the removal of a resident from an assisted living facility if (i) the resident, the resident's family, the resident's physician, and the facility consent to the resident's continued stay in the facility and (ii) the facility is capable of providing, obtaining or arranging for the provision of necessary services for the resident, including but not limited to home health care or hospice care. HB 3207; CH. 539.

**§ 63.2-1806.** See § 32.1-162.1; HB 1965.

**§ 63.2-1808.** See § 32.1-138; HB 2346/SB 1228.

**§ 63.2-1809.1 amended. Insurance notice requirements for family day homes.** Requires any person who operates a family day home approved by a licensed family day system, a licensed

family day home, or a voluntarily registered family day home to furnish a written notice to the parent or guardian of each child under care stating whether there is liability insurance in force to cover the operations of the family day home and to notify each parent or guardian in writing, within 10 business days, after termination of coverage. SB 888; CH. 594.

**§§ 63.2-1900, 63.2-1903, 63.2-1904, and 63.2-1916 amended. Provision of health care coverage in child support orders.** Amends relevant sections to authorize that either or both parents may provide health care coverage required by a child support order. Requires that, prior to referring any dependent children to the Family Access to Medical Insurance Security plan, the Department of Social Services shall confirm that neither parent has access to health care coverage for the dependent children through the parents' employment. SB 944; CH. 600.

**§ 63.2-1904 amended. Administrative support remedies available to individuals not receiving public assistance; fees.** Establishes additional fees for individuals who authorize the Department of Social Services to enforce child support obligations but who do not receive public assistance. The bill has an effective date of October 1, 2007. SB 985; CH. 11 (effective 10/1/07).

**§ 63.2-2002 amended. Neighborhood Assistance Act; eligibility requirements.** Requires that regulations be promulgated that provide that at least 50 percent of the persons served by the neighborhood organization are impoverished people. SB 1146; CH. 788.

**§§ 63.2-2200, 63.2-2201, and 63.2-2203 amended. Virginia Caregivers Grant Program.** Modifies the definition of caregivers eligible to receive a grant under the program to include legal guardians and raises the Virginia adjusted gross income limit under the program from \$50,000 to \$75,000 for a married caregiver. SB 790; CH. 588.

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## TITLE 64.1. WILLS AND DECEDENTS' ESTATES.

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**§§ 64.1-16.1 and 64.1-16.2 amended. Augmented estate; inclusion of insurance policies.** Clarifies that, notwithstanding what other statutes state regarding insurance policies and other benefits, they are to be included in the augmented estate. The bill is in response to the Supreme Court's opinion in *Sexton v. Cornett*. HB 2833; CH. 308.

**§ 64.1-49.1 added. Wills; writings intended as wills.** States that if a document is not in compliance with the requirements of executing a will, the document can still be valid as a will if the proponent proves by clear and convincing evidence that the decedent intended the document to be (i) the decedent's will, (ii) a partial or complete revocation of the will, (iii) an addition to or alteration of the will, or (iv) a partial or complete revival of a formerly revoked will or portion thereof. The remedy provided for in this bill may not be used to excuse any failure to



comply with the requirement for a testator's signature, except where two persons mistakenly sign each other's will, or a person signs the self-proving certificate to a will instead of the will itself. The remedy is also only available in proceedings filed in the appropriate circuit court within one year after the decedent's death, and where all interested persons are made parties to the proceedings. HB 3205; CH. 538.

**§ 64.1-157 amended. Creditors of decedent's estate.** Provides that debts and taxes owed to political subdivisions of the Commonwealth are to be considered claims that are eighth in line to be paid from a decedent's estate. Currently, such debts and taxes are not treated as a separate class of claims. SB 1263; CH. 735.

**§ 64.1-157.1 added. Nonexoneration of liens against property bequeathed.** States that any mortgage, pledge, security interest or other lien on a specific item of property shall pass encumbered by said lien unless a contrary intent is clearly set out in the will. A general directive in the will to pay debts shall not be evidence of a contrary intent. Excepts out circumstances where an agent holding a durable power of attorney or a conservator, guardian or committee grants the lien in question. HB 3083; CH. 341.

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## TITLE 65.2. WORKERS' COMPENSATION.

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**§ 65.2-101 amended. Workers' compensation; government employees.** Classifies policemen, firefighters, sheriffs and their deputies, and certain other individuals who are generally deemed to be employees of their employing locality for purposes of the Virginia Workers' Compensation Act, as employees of the Commonwealth while rendering aid outside of the Commonwealth pursuant to a state-approved request under the Emergency Management Assistance Compact. HB 2294; CH. 475.

**§ 65.2-402 amended. Workers' compensation; occupational disease presumption; police officers of the Norfolk Airport Authority.** Establishes a presumption that hypertension or heart disease causing the death or disability of an officer of the police department established and maintained by the Norfolk Airport Authority is an occupational disease compensable under the Workers' Compensation Act. HB 1635; CH. 616/SB 747; CH. 143.

**§ 65.2-402.1.** See § 29.1-200; HB 1867.

**§ 65.2-402.1 amended. Workers' compensation; infectious disease presumption.** Adds conservation officers of the Department of Conservation and Recreation to those public safety employees who are entitled to the presumption that certain infectious diseases are occupational diseases compensable under the Workers' Compensation Act. SB 897; CH. 365.

**§ 65.2-520 amended. Workers' Compensation; offset for Longshore payments.** Authorizes an employer to deduct, from payments made as compensation under the Virginia

Workers' Compensation Act to an injured employee, any payments that are made to the injured worker under the Longshore and Harbor Workers' Compensation Act. SB 1169; CH. 356 (effective 3/13/07).

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## TITLE 67. VIRGINIA ENERGY PLAN.

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**§ 67-401.** See § 10.1-404; HB 3113/SB 1403.

**§§ 67-600 and 67-602 amended. Virginia Coastal Energy Research Consortium; membership.** Adds Virginia Commonwealth University, the University of Virginia, and Hampton University to the Virginia Coastal Energy Research Consortium and adds each institution's president or his designee to the board of the Research Consortium. The board is also expanded to include members appointed by the Hampton Roads Technology Council and the Hampton Roads Clean Cities Coalition. SB 841; CH. 904.

**§§ 67-900 through 67-902 and 67-1000 through 67-1003 amended. Energy grant programs.** Provides that the provisions of the 2006 Energy Policy Act establishing the Renewable Electricity Production Grant Program and Solar and Wind Energy System Acquisition Fund shall not become effective until appropriations are made to those Funds. As originally enacted, the Act provided that the Funds' enabling legislation would expire on July 1, 2009, if any funds were not deposited to the Funds by July 1, 2009. The measure also provides that the grants do not apply to activities occurring prior to January 1, 2007, revises the process by which eligible persons may apply for a grant, and requires that eligible wind-power generators must meet applicable performance and quality standards as specified by the Department of Mines, Minerals and Energy. SB 1152; CH. 789.

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## APPROPRIATIONS AND BONDS.

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**Budget Bill.** Appropriates public revenues and provides a portion of such revenues for the two years ending, respectively, on the thirtieth day of June, 2007, and the thirtieth day of June, 2008. HB 1650; CH. 847.

**Bonds; public institutions of higher learning.** Authorizes the issuance of up to \$103,550,000 in 9(c) debt for capital projects at public institutions of higher learning. HB 1711; CH. 433 (effective 3/19/07)/SB 770; CH. 542 (effective 3/19/07).

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## CLAIMS.

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**Evans, Anna Malenick.** Provides relief in the amount of \$49,892.98 to Anna Malenick Evans for damages that she incurred related to the replacement of a septic system. The system was damaged when Virginia Department of Transportation contractors drove heavy machinery across its drain lines. In addition, Ms. Evans asserts that the Prince William County Health Department failed to timely notify her of problems with the septic system. The amount of the relief shall be paid from the Onsite Sewage Indemnification fund. HB 2323; CH. 480.

**Lingebach, Walter S.** Amends previous legislation providing relief to Walter S. Lingebach. In 1971, Mr. Lingebach purchased real property in Northumberland County pursuant to the treasurer's delinquent tax sale. Under law at the time, Mr. Lingebach would have been eligible after a number of years to make application to obtain clear title; however, a statute that would have permitted him to continue the process to completion was repealed in 1984 pursuant to the recodification of Title 58 of the Code of Virginia because it was deemed "obsolete." The amendment allows Mr. Lingebach to institute a proceeding in the circuit court of Northumberland County to obtain a deed to such property in accordance with the provisions of the former § 58-1027 or former §§ 58-1029 through 58-1117 and extends the sunset provision from July 1, 2007, to July 1, 2008. HB 2090; CH. 749 (effective 3/23/07).

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## CONSTITUTIONAL AMENDMENTS.

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**Constitutional amendment (first resolution); property exempt from taxation.** Authorizes the General Assembly to enact legislation that will allow any locality to exempt or partially exempt from property taxes motor vehicles owned or leased by any member of the armed forces serving in an area of military conflict. SJ 340; CH. 842.

**Constitutional amendment (first resolution); property exempt from taxation.** Authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner- occupant's primary dwelling and lived in continuously. SJ 354; CH. 843.

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