



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

In Due Course: 2015 Changes to Virginia’s Laws

In Due Course is a selection of legislation passed by the 2015 Session of the General Assembly that is likely to affect the daily lives of the citizens of Virginia. The following legislation has been signed by the Governor and for the most part will go into effect on July 1, 2015.

The summaries were prepared by the staff of the Division of Legislative Services. Complete information on actions of the 2015 Session is available on the Legislative Information System (<http://lis.virginia.gov>).

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Agriculture

HB 1277/SB 955. Industrial hemp production and manufacturing. The law allows the cultivation of industrial hemp by licensed growers as part of a university-managed research program. The law defines industrial hemp as the plant *Cannabis sativa* with a concentration of THC no greater than that allowed by federal law, excludes industrial hemp from the definition of marijuana in the Drug Control Act, and bars the prosecution of a licensed grower under drug laws for the possession of industrial hemp as part of the research program. The bill directs the Commissioner of the Department of Agriculture and Consumer Services to adopt relevant regulations and establish an industrial hemp research program to be managed by public institutions of higher education.

Alcoholic Beverage Control

HB 1776/SB 1032. Alcoholic beverage control. The law eliminates the Alcoholic Beverage Control (ABC) Board and replaces it with the Virginia Alcoholic Beverage Control Authority, created by the



law. The law provides for the appointment of the Board of Directors of the Authority by the Governor, to be confirmed by the General Assembly, and the appointment by the Governor of a Chief Executive Officer of the Authority, also to be confirmed by the General Assembly, and sets the eligibility requirements for appointment of both the Board members and the Chief Executive Officer, including background checks. The law provides for the salary of Board members and the Chief Executive Officer. Among other things, the law also (i) provides for the transfer of current ABC employees to the Authority, (ii) continues such employees' participation in the state health plan and VRS, and (iii) sets out the powers and duties of the Authority and the Chief Executive Officer. The law has a delayed effective date of July 1, 2018, except that certain study and reporting requirements become effective July 1, 2015.

HB 1908/SB 1034. Alcoholic beverage control; powdered or crystalline alcohol; penalty. The law, which became effective on April 15, 2015, adds powdered or crystalline alcohol to the definition of alcoholic beverages, prohibits containers sold in or shipped into the Commonwealth from including powdered or crystalline alcohol, and creates a Class 1 misdemeanor for anyone who purchases, possesses, offers for sale or use, sells, or uses a powdered or crystalline alcohol product.

Boating

HB 1298. Noncommercial vessels; reasonable suspicion. The law requires law-enforcement officers to have reasonable suspicion that a violation of law or regulation exists before stopping, boarding, or inspecting a noncommercial vessel on the navigable waters of the Commonwealth. The law allows conservation police officers and Virginia Marine Police officers to (i) stop, board, and inspect in order to inspect hunting, fishing, or trapping licenses or creel and bag limits and (ii) conduct lawful boating safety checkpoints in accordance with established policies of the two agencies.

Business and Employment

HB 1285. Workers' compensation; definition of employee; property owners' associations. The law amends the definition of employee within the Virginia Workers' Compensation Act to exclude noncompensated employees, directors, and executive officers of any entity that constitutes a property owners' association under the provisions of the Property Owners' Association Act.

HB 1360/SB 763. Securities Act; crowdfunding exemption. The law creates an exemption from the securities, broker-dealer, and agent registration requirements of the Securities Act for any security issued by a Virginia entity if certain requirements are met and the security is sold in an offering conducted in compliance with conditions established by rule or order of the State Corporation Commission. The SCC may assess a filing fee not to exceed \$500. The SCC is required to report annually on the implementation of the law, which will expire on July 1, 2020.

HB 1806/SB 745. Workers' compensation; exclusion of certain truck owner-operators. The law excludes any owner-operator of a motor vehicle that is leased with or to a common or contract carrier in the trucking industry from the definition of an employee for purposes of the Virginia Workers' Compensation Act, if certain conditions establish that the owner-operator is an independent contractor.

HB 2081. Employers; disclosure of social media account information. The law prohibits an employer from requiring a current or prospective employee to disclose the username and password to his social media account. The law also prohibits an employer from requiring an employee to add an employee, a supervisor, or an administrator to the list of contacts associated with the employee's social media account.

Campus Safety

HB 1785. Campus police departments; sexual assault reporting. The law requires that mutual aid agreements between a campus police force and a law-enforcement agency require either the campus police force or the agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth within 48 hours of beginning any investigation involving felony criminal sexual assault occurring on campus property or other property related to the institution of higher education. The law also requires institutions of higher education that have security departments instead of campus police forces to enter into a memorandum of understanding with a law-enforcement agency that requires similar notification to the local attorney for the Commonwealth.

HB 1930/SB 712. Institutions of higher education; reporting acts of sexual violence. The law requires any responsible employee of a public or private nonprofit institution of higher education who in the course of his employment obtains information that an act of sexual violence has been committed against a student or on campus property or other property related to the institution to report such information to the Title IX coordinator for the institution as soon as practicable, who must in turn report such information to a review committee that is required to meet within 72 hours of the receipt of such information. If the review committee determines that disclosure of the information regarding the alleged act of sexual violence is necessary to protect the health and safety of the victim or other individuals, the information, including personally identifiable information, must be reported to the law-enforcement agency responsible for investigating the alleged act.

In addition, the law requires the governing board of each public or private nonprofit institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies to provide victims with information on contacting such center or service. The law requires each public or private nonprofit institution of higher education to annually certify to the State Council of Higher Education for Virginia that it has reviewed its sexual violence policy and requires the Department of Criminal Justice Services to monitor and report on the impact of the legislation on the workload of local victim witness programs.

SB 1193. Academic transcripts; suspension, permanent dismissal, or withdrawal from institution. The law requires the registrar of certain public and private institutions of higher education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, to include a prominent notation on the transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence, defined as physical sexual acts committed against a person's will or against a person incapable of giving consent, under the institution's code, rules, or set of standards governing student conduct. Any notation due to a student's suspension must be removed if the student completed the term and conditions of the suspension and has been determined by the institution to be in good standing.

Civil Law

HB 1499/SB 1427. Right to breastfeed in public places. The law provides that a mother may breastfeed in any place where the mother is lawfully present. Current law allows breastfeeding on any property owned, leased, or controlled by the Commonwealth.

HB 2082. Civil immunity for rendering emergency care; forcible entry of motor vehicle to remove a minor. The law provides that the civil immunity granted for rendering emergency care or assistance includes the forcible entry of a motor vehicle to remove an unattended minor at risk of serious bodily



injury or death, provided that the person has attempted to contact a law-enforcement officer, a firefighter, emergency medical services personnel, or an emergency 911 system prior to such entry, if feasible under the circumstances.

HB 2383/SB 923. Child support for disabled child over the age of 18 (Conner's Law). The law provides that a court may order child support for any child over the age of 18 who is severely and permanently mentally or physically disabled if such disability existed prior to the child's reaching the age of 18 or prior to the child's reaching the age of 19 if the child was a full-time high school student, was not self-supporting, and was living in the home of the parent seeking child support. Current requirements that the child be unable to live independently, be unable to support himself, and reside in the home of the parent seeking child support remain unchanged. The law also provides that an individual who was denied such support prior to July 1, 2015, is eligible to petition the court for support for a disabled child.

SB 1450. Social media; Privacy Expectation Afterlife and Choices Act; adoption. The law codifies the Privacy Expectation Afterlife and Choices Act (the Act), which dictates the circumstances under which a provider of an electronic communications service or remote computing service may be required to disclose electronic communications to the personal representative of a deceased user's estate. The Act provides that a provider shall not be compelled to make such disclosure if doing so would be contrary to the deceased user's expressed intent. The Act further provides that a provider shall not be held liable in any civil or criminal action for compliance in good faith with a court order issued pursuant to the Act. Finally, the law requests the Joint Commission on Technology and Science to study the implementation of the Act and develop legislative recommendations to address access to electronic communication records and digital account content by guardians ad litem, conservators, and other fiduciaries.

Coalbed Methane Gas

HB 2058. Coalbed methane gas; release of funds held in escrow or suspense. The law requires an operator of a previously pooled coalbed methane gas well to request, by the beginning of 2016, the release of any funds held in escrow or suspense to the person who possesses a claim through a gas title. A coal claimant may halt such a release of funds by providing evidence that the coal and gas claimants have reached an agreement or that a proceeding against the gas claimant is pending. For a well that is pooled after July 1, 2015, the law requires the operator to pay royalties directly to the gas claimant unless the coal claimant provides evidence of an agreement or a proceeding within a certain time. The Virginia Oil and Gas Board, under certain conditions, is authorized to extend the time for the payment of funds held in escrow and is not required to order payment if the gas claimant fails to provide information needed by the Board in order to distribute the funds. The law does not create a fiduciary duty or extinguish any cause of action, including an action for an accounting.

Constitutional Amendments

If enacted again by the 2016 Session of the General Assembly, the following constitutional amendments will be considered by statewide voter referendum at the November 2016 general election:

HJ 490. Constitutional amendment (first resolution); right to work. The amendment provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment

monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

HJ 597. Constitutional amendment (first resolution); real property tax exemption. The amendment provides that the General Assembly may provide for a local option to exempt from taxation the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried.

SJ 256. Constitutional amendment (first resolution); charter schools. The amendment grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth.

Criminal Offenses/Procedure

HB 1445/SB 1235. Possession or distribution of marijuana for medical purposes; epilepsy. The law, which became effective on February 26, 2015, provides an affirmative defense in a prosecution for the possession of marijuana if the marijuana is in the form of cannabidiol oil or THC-A oil possessed pursuant to a valid written certification issued by a practitioner of medicine or osteopathy licensed by the Board of Medicine for purposes of treating or alleviating a patient's symptoms of intractable epilepsy. The law provides that a practitioner shall not be prosecuted for distribution of marijuana under these circumstances.

HB 1493. Enticing persons to dwelling house to commit certain crimes; penalty. The law provides that a person who commits certain specified crimes, including capital murder, first and second degree murder, murder of a pregnant woman, abduction with intent to extort money or for immoral purposes, aggravated malicious wounding, robbery, rape, forcible sodomy, or object sexual penetration, within a dwelling house and who, with the intent to commit such crime, enticed, solicited, requested, or otherwise caused the victim to enter the dwelling house is guilty of a separate and distinct Class 6 felony.

HB 1500/SB 892. Safe reporting of overdoses. The law establishes an affirmative defense to prosecution of an individual for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol if such individual sought or obtained emergency medical attention for himself or for another individual because of a drug-related or alcohol-related overdose and if the evidence for the charge was obtained as a result of the individual seeking or obtaining emergency medical attention.

The law provides that the affirmative defense may only be invoked by an individual who (a) remains at the scene of the overdose or at any location to which he is transported for emergency medical attention until a law-enforcement officer responds to the report of an overdose or, if no law-enforcement officer is present at either the scene or the other location, cooperates with law enforcement, (b) identifies himself to the responding law-enforcement officer, and (c) cooperates, upon request, with any criminal investigation reasonably related to the drug or alcohol that resulted in the overdose. No individual may assert this affirmative defense if the emergency medical attention sought or obtained was during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

HB 1928/SB 1187. DNA analysis upon conviction of certain misdemeanors. The law adds misdemeanor violations of §§ 16.1-253.2 (violation of a protective order), 18.2-60.3 (stalking), 18.2-60.4 (violation of a stalking protective order), 18.2-67.4:1 (infected sexual battery), 18.2-102 (unauthorized use of animal, aircraft, vehicle, or boat valued at less than \$200), 18.2-121 (entering



property of another for purpose of damaging it), 18.2-387 (indecent exposure), 18.2-387.1 (obscene sexual display), and 18.2-479.1 (resisting arrest) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis.

Under current law, a sample is taken for DNA analysis from adults convicted of only five misdemeanor sex offenses: (i) § 18.2-67.4 (sexual battery), (ii) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (iii) § 18.2-67.5 (attempted sexual battery), (iv) § 18.2-130 (peeping), or (v) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue).

The law also increases the fee collected for the withdrawal of the DNA sample from \$25 to \$53. The provisions of the law apply only to persons convicted on or after July 1, 2015.

HB 1964/SB 1188. Commercial sex trafficking; penalties. The law creates new felonies for trafficking of persons for commercial sexual activity. The law provides that any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to engage in prostitution with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of the solicited person from an act of prostitution is guilty of a Class 5 felony. Felonies are increased if such behavior is done by an adult and the person solicited is a minor (Class 3 felony) and if force, intimidation, or deception is used against the person solicited (Class 4 felony). The new crime was added to the definition of violent felony for the purposes of the sentencing guidelines, predicate criminal acts for street gangs, the Virginia Racketeer Influence and Corrupt Organization Act, multijurisdiction grand jury, and asset forfeiture and, if a minor is solicited, the Sex Offender Registry. The law also increases the penalties for receiving money for procuring a person for prostitution and receiving money from the earnings of a person engaged in prostitution if the crime involves a minor.

HB 2125/SB 1301. Use of unmanned aircraft systems by public bodies; search warrant required. The law replaces the moratorium set to expire on July 1, 2015, on the use of unmanned aircraft systems by state and local law-enforcement and regulatory entities, except in defined emergency situations or in training exercises related to such situations, with an absolute prohibition on the use of unmanned aircraft systems by such law-enforcement and regulatory entities unless a search warrant has been obtained prior to such use. The warrant requirement does not apply to (i) utilization of such systems to support the Commonwealth for purposes other than law enforcement; (ii) certain search and rescue operations; (iii) certain Virginia National Guard and United States Armed Forces functions; (iv) research and development conducted by institutions of higher education or other research organizations; or (v) the use of unmanned aircraft systems for private, commercial, or recreational use.

SB 1056. Child pornography; obscenity; penalties. The law adds a mens rea of “knowingly” for the offenses of (i) reproducing child pornography and (ii) soliciting child pornography to gain entry to a group and removes the requirement of lascivious intent for these offenses.

Education

HB 1490/SB 874. Public schools; Standards of Learning tests. The law directs the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test, with the exception of the writing Standards of Learning tests, to each student regardless of grade level or course.

HB 1612. School service providers; student personal information. The law requires each entity that, pursuant to a contract with a local school division, operates a website, mobile application, or online service that (i) is designed and marketed solely for use in elementary or secondary schools, (ii) is used at the direction of teachers or other employees at elementary or secondary schools, and (iii) collects and

maintains, uses, or shares information that identifies an individual student or is linked to information that identifies an individual student to maintain certain protections for such information, including transparency, privacy policies, information security programs, and access to an individual student's personal information by the student and his parents.

Elections/Voting

HB 1538. Elections; voter identification; match of identification and pollbook name. The law provides that a voter meets one qualification for voting if the voter's name as found on the pollbook matches or is substantially similar to the name listed on the form of identification presented and the name stated by the voter. The law does not eliminate the other qualifications for being permitted to vote.

HB 1653. Voter identification; accepted forms of identification. The law, which becomes effective January 2, 2016, adds to the list of accepted forms of identification for purposes of voting valid student photo identification cards issued by any private school located in the Commonwealth. Students of public high schools are currently permitted to use their student photo identification cards for purposes of voting because current law allows the use of photo identification issued by the Commonwealth or one of its political subdivisions. Current law also allows students from both public and private institutions of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting.

SB 816. Absentee voting; reason for application. The law removes the requirement that a person applying for an absentee ballot because of an obligation occasioned by his religion provide information regarding the nature of such obligation. Instead, he is required to state that he has an obligation occasioned by his religion.

General Laws

HB 1472/SB 1362. State song. The law designates "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis, as the official traditional state song and "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett, as the official popular state song.

HB 1826/SB 1097. Virginia Racing Commission; powers. The law revises the Virginia horse racing statute in light of Colonial Downs' surrender of its unlimited license to own and operate the racetrack in New Kent County and the nine satellite facilities in Virginia. The law, among other things, revises the definition of licensee to permit any licensee to own or operate a racetrack and reallocates certain fees paid by licensed online wagering companies.

SB 1008. Condominium and Property Owners' Association Acts; statement of unit and lot owner rights. The law provides that each member of a common interest community who is in good standing has the right (i) of access to all books and records kept by or on behalf of the association, (ii) to cast a vote on any matter requiring a vote by the association's membership in proportion to the unit or lot owner's ownership interest, (iii) to have notice of any meeting of the executive organ or board of directors and to record and participate in such meeting, (iv) to have notice of any proceeding conducted against the unit or lot owner to enforce any rule or regulation of the association and the opportunity to be heard and represented by counsel at such proceeding, and (v) to serve on the executive organ or board of directors if duly elected.



Health

HB 1750/SB 732. Expanded access to investigational drugs, biological products, and devices. The law provides that a manufacturer of an investigational drug, biological product, or device may make such drug, product, or device available to a person who has a terminal condition when certain requirements are met, that such manufacturer may provide the drug, product, or device free of charge or may require the person to pay costs associated with its manufacture, and that health insurance providers may, but are not required to, provide coverage for costs associated with use of such drug, product, or device.

HB 2177/SB 1283. Certificate of public need. The law amends the definition of “project” for which a certificate of public need is required to include capital expenditures of \$15 million or more by or on behalf of a medical care facility other than a general hospital. Currently, all capital expenditures of \$15 million or more by any medical care facility constitute a project for which a certificate of public need is required. The law provides that capital expenditures of \$5 million or more by a general hospital shall be registered with the Commissioner of Health. The law also directs the Secretary of Health and Human Resources to convene a work group to review (i) the current certificate of public need process and its impact on health care services in the Commonwealth and (ii) the need for changes to the current certificate of public need process.

SB 750. Hospitals; required notice to patients. The law requires hospitals to provide oral and written notice within 24 hours to any patient who has been placed under observation or in any other outpatient status that he has been placed in such status if (i) the patient receives onsite services from the hospital and (ii) such onsite services include a hospital bed and meals that are provided in an area of the hospital other than the emergency department.

Hunting, Trapping, and Fishing Licenses

HB 2111. Hunting, trapping, or fishing licenses; electronic copies. The law allows a person who is required to carry certain hunting, trapping, or fishing licenses or a hunter education certificate to meet the requirement by carrying an electronic copy of the relevant license or certificate. The law requires a license for bear, deer, or turkey to be carried in hard copy.

Motor Vehicles/DMV

HB 1342/SB 1220. Following too closely. The law includes non-motor vehicles (bicycles, electric assistive mobility devices, electric power-assisted bicycles, and mopeds) among vehicles that the driver of any motor vehicle shall not follow more closely than is reasonable.

HB 1392. Department of Motor Vehicles; emergency contact program. The law, which will take effect on January 1, 2016, provides that DMV may establish an emergency contact program to allow customers to give DMV the name of an emergency contact person and related emergency contact information, which the customer may update or delete electronically at any time, to be kept in the customer’s DMV record and made available to law-enforcement officers in emergency situations.

HB 1603. Special identification cards. The law allows parents or guardians when the applicant is a minor to request special identification cards issued by DMV to indicate that the applicant (i) is an insulin-dependent diabetic, (ii) is hearing or speech impaired, or (iii) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17. Current law allows only the applicant to request a special identification card.

SB 781. Passing with a double yellow line. The law allows drivers to cross double yellow lines or a solid yellow line immediately adjacent to a broken yellow line in order to pass a pedestrian or a device moved by human power, if such movement can be made safely.

Pet Sales

SB 1001. Sale and procurement of certain pets. The law prohibits the sale or display of a dog or cat on or in a roadside, parking lot, flea market, or similar place, with certain exceptions. The law limits the sources of pet shop dogs to humane societies, public or private animal shelters, and those that meet certain qualifications, establishes a recordkeeping requirement for pet shops selling dogs, and applies the existing misdemeanor penalty for a violation of the law to each dog sold or offered for sale.

Science and Technology

HB 1562/SB 814. Electronic identity management; standards; liability. The law creates the Identity Management Standards Advisory Council to advise the Secretaries of Technology and Transportation on the adoption of technical and data standards regarding the verification and authentication of identity in digital and online transactions. The law codifies the concept of an identity trust framework operator, an entity that establishes rules and policies for identity providers operating within the framework and issues electronic trustmarks to such providers signifying compliance with the rules and policies of that trust framework. The law also establishes limitation on liability for providers that adhere to the adopted standards, the applicable contract terms, and the rules and policies of the identity trust framework provider, absent gross negligence or willful misconduct.

SB 1121. IT responsibility of agency directors. The law provides that the director of every department in the executive branch of state government shall be responsible for securing the electronic data held by his department and shall comply with the requirements of the Commonwealth's information technology security and risk management program as developed by the Chief Information Officer.

Social Services

HB 1570/SB 1168. Family day homes and child day centers; licensure; background checks; reporting; notice. The law requires fingerprint-based national criminal history records checks for licensed child day centers and family day homes and requires employees and volunteers to notify the provider if they are convicted of a barrier crime or subject to a founded complaint of child abuse or neglect. The law adds the offenses that require registration in the Sex Offender and Crimes Against Minors Registry to the list of barrier crimes specific to family day homes, lowers from five to four the maximum number of children for whom a family day home may provide care without a license (exclusive of the provider's children and any children who reside in the home), and requires unlicensed and unregistered family day homes to notify parents that they are not regulated by the Department of Social Services. The law contains certain reporting requirements and requires the Department of Social Services to make information available to child day centers and family day homes regarding new licensure mandates. The provisions of the law that require licensure of family day homes providing care for five or more children will take effect on July 1, 2016. The provisions of the law that require fingerprint-based national criminal history records checks will take effect on July 1, 2017.

HB 1602. Proration of child support. The law clarifies that the Department of Social Services, in allocating child support payments received pursuant to one or more judicial or administrative orders, shall prorate payments on the basis of amounts due for current support and, upon satisfaction of all amounts due for current support, prorate the remainder on the basis of amounts due for accrued



arrearages. The law directs the Department to allocate payments received pursuant to federal tax refund offset pursuant to subsection h of 45 C.F.R. § 303.72.

HB 1821/SB 834. Post-adoption services. The law requires the State Registrar of Vital Records, when issuing a new certificate of birth pursuant to an adoption, to provide adoptive parents with a document listing all post-adoption services available to adoptive families. The law requires the Department of Social Services to furnish this document to the State Registrar of Vital Records, update the document annually, and make the document available on the Department's website.

SB 846. Recipients of public assistance; access to financial literacy courses. The law directs the Department of Social Services, in consultation with the Virginia Employment Commission and Virginia Community College System, to develop and implement a plan under which citizens receiving public assistance will be provided information on free financial literacy courses.

SB 1268. Adoption; child in custody of prospective adoptive parent(s) for five years or more. The law allows the juvenile and domestic relations district court to accept consent to a parental placement adoption without a home study and certain meeting and counseling requirements if the child has been in the continuous legal and physical custody of the prospective adoptive parent(s) for five or more years.

Special License Plates

HB 1319. Special license plates; cure childhood cancer. The law, which became effective on March 26, 2015, and may be known as "The Mathias Bill," authorizes the issuance of special license plates for supporters of curing childhood cancer bearing the legend CURE CHILDHOOD CANCER.

SB 839. Special license plates; Newport News Shipbuilding. The law authorizes the issuance of special license plates for supporters of Newport News Shipbuilding bearing the legend NEWPORT NEWS SHIPBUILDING.

SB 979. Special license plates; recipients of Legion of Merit Medal. The law authorizes the issuance of special license plates for recipients of the Legion of Merit Medal.

Taxation

HB 1286/SB 701. Individual income tax refunds; payment. The law requires the Tax Commissioner and State Comptroller to implement procedures to allow an individual to elect to have his income tax refund paid by check mailed to his address. The law applies to individual income tax returns relating to taxable year 2015 and taxable years thereafter.

HB 1721. Real property tax exemption; surviving spouses of members of armed forces killed in action. The law exempts from taxation the dwelling of the principal residence of a surviving spouse of a member of the armed forces of the United States killed in action. If the value of the dwelling is in excess of the average assessed value of dwellings in the locality situated on property zoned as single family residential, then the portion of the value in excess of such average assessed value shall be subject to taxation. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, which was adopted by the voters in 2014, the General Assembly previously enacted legislation exempting from taxation the principal residence of such surviving spouse only if the assessed value of the residence was not in excess of the averaged assessed value. The law exempts the portion of the residence below the average assessed value, regardless of the full assessed value of the dwelling.

HB 2306/SB 1404. Achieving a Better Life Experience (ABLE) savings trust accounts established; administered by the Virginia College Savings Plan. The law establishes ABLE savings trust accounts

to be administered by the Virginia College Savings Plan to facilitate the saving of private funds for paying the qualified disability expenses of certain disabled individuals. Under the federal Achieving a Better Life Experience Act of 2014, Congress authorized states to establish ABLE savings trust accounts to assist individuals and families in saving and paying for the education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, and other expenses of individuals who were disabled or blind prior to the age of 26. Earnings on contributions to ABLE savings trust accounts are exempt from federal income tax. Because Virginia conforms to the federal income tax laws, earnings on contributions to ABLE savings trust accounts will also be excluded from Virginia taxable income.

Tobacco Products

HB 2036/SB 1325. Purchase of tobacco products, etc., by minors; liquid nicotine packaging; penalty. The law provides that no person shall sell or distribute at retail a liquid nicotine container on or after October 1, 2015, unless the container is packaged in child-resistant packaging. The law allows existing inventory to be sold until January 1, 2016. Any person who violates the child-resistant packaging requirements is guilty of a Class 4 misdemeanor. The law also provides that any adult may sign for tobacco products, nicotine vapor products, or alternative nicotine products purchased through mail order or the Internet. Current law requires the signature of the purchaser.

Transportation

HB 1662/SB 1025. Transportation network companies. The law establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The law requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including a national criminal background check, a driving history report, and status on the state and national sex offender registries.

The law also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The law further requires that TNC drivers be covered by a specific liability insurance policy and specifies the nature and limits of the insurance coverage. The law also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers.

The law authorizes DMV to conduct periodic reviews of TNCs to confirm compliance and authorizes fees to cover DMV's costs of administering the program, an initial TNC license fee of \$100,000, and an annual license renewal fee of \$60,000. The law requires DMV to review this fee structure and report its findings by December 1, 2016.

HB 1887. Transportation funding; formula, reporting, and allocations. The law removes the Executive Director of the Virginia Port Authority from the Commonwealth Transportation Board (CTB) and makes the members of the CTB subject to removal by the Governor for malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflicts of interest, failure to carry out the policies of the Commonwealth, or refusal to carry out a lawful directive of the Governor. Both provisions will become effective July 1, 2016.



The law updates the required content for the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB. The report must include the condition of existing transportation assets; the methodology used to determine maintenance and state of good repair needs; performance targets and outcomes; a listing of prioritized pavement and bridge projects based on the priority ranking system; VDOT strategies for improving the safety, security, and operations of highways; and a review of VDOT's collaboration with the private sector in delivering services.

The law requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements.

The law replaces the current \$500 million annual allocation made by the CTB and its corresponding formula and the old 40-30-30 allocation formula to the primary, secondary, and urban highways with a new formula that allocates 45% of funds to the newly established state of good repair purposes, 27.5% to the newly established high-priority projects program, and 27.5% to the highway construction district grant programs. The new formula will take effect beginning in fiscal year 2021 but some unallocated dollars will flow through the new formula during a transition period before 2020.

The law reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank and one-third of such accruals to the Transportation Partnership Opportunity Fund. The law also excludes grants from other financing, thereby removing the ability of a governmental entity to apply for a grant. The law allows the CTB to make transfers from the Toll Facilities Revolving Account to the Virginia Transportation Infrastructure Bank.

Further, the law reallocates recordation tax revenues from the Highway Maintenance and Operating Fund to the Commonwealth Transit Capital Fund and reallocates 3.7% of fuels tax revenues from the Transportation Trust Fund and divides it between the Commonwealth Mass Transit Fund and the Commonwealth Transit Capital Fund. These provisions become effective July 1, 2016, and would revert if Virginia begins collecting sales tax from remote retailers pursuant to Congress's passage of the Marketplace Fairness Act. The law authorizes the Department of Rail and Public Transportation to enter into agreements not to exceed 20 years under the Public-Private Transportation Act to improve passenger rail service with private entities that finance improvements in return for annual payments.

Water Wells

HB 1871. Registration of wells. The law requires certified water well systems providers to register wells being constructed in ground water management areas with the State Water Control Board (SWCB) within 30 days of the completion of the well's construction. The law requires the Department of Health (VDH) to provide the SWCB annually with a list of the wells that were permitted during the previous year and the SWCB to provide VDH annually with a list of the wells that were registered during the previous year.

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