



“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:

2019 Changes to Virginia's Laws

In Due Course is a selection of legislation passed by the 2019 Session of the General Assembly that is likely to affect the daily lives of citizens of Virginia. The following legislation has been signed by the Governor and will go into effect on July 1, 2019, except where an emergency clause or delayed effective date is noted.

The summaries were prepared by the staff of the Division of Legislative Services. Complete information on actions of the 2019 Session is available on the [Legislative Information System](#).

Topics

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Agriculture

HB 1839/SB 1692. Industrial hemp; federal Farm Bill; emergency. Conforms Virginia law to the provisions of the federal 2018 Farm Bill by amending the definitions of cannabidiol oil, marijuana, and tetrahydrocannabinol (THC) to exclude industrial hemp in the possession of a registered person, hemp products, or an oil containing no more than 0.3% THC. The bill defines "industrial hemp" as any part of the plant *Cannabis sativa* that has a concentration of THC that is no greater than that allowed by federal law, and it defines "hemp product" as any finished product that is otherwise lawful and that contains industrial hemp. The bill adds the category of "dealer" in industrial hemp to the existing registration categories of grower and processor.



The bill requires any registered grower, dealer, or processor who negligently violates the law to comply with a corrective action plan established by the Commissioner of Agriculture and Consumer Services (the Commissioner). The plan must identify a date by which the person is required to correct the violation and requires the person to report periodically for not less than two calendar years on his compliance with the law. No person who negligently violates the industrial hemp law three times in a five-year period is eligible to grow, deal in, or process industrial hemp for a period of five years beginning on the date of the third violation.

The bill directs the Commissioner to (i) revoke the registration of any registered grower, dealer, or processor who violates the law with a culpable mental state greater than negligence and (ii) advise the Attorney General of the United States and the Superintendent of State Police, or the chief law-enforcement officer of the county or city, when such person grows, deals in, or processes any *Cannabis sativa* with a concentration of THC that is greater than that allowed by federal law with a culpable mental state greater than negligence.

The bill authorizes the Department of Agriculture and Consumer Services (the Department), if it obtains the approval of the U.S. Secretary of Agriculture, to refrain from requiring destruction of industrial hemp until the THC level is greater than 0.6%, and it authorizes the Department at that point to allow a re-test of the industrial hemp if the THC level is no greater than one percent.

The bill abolishes the higher education and Virginia industrial hemp research programs, along with the requirement that a grower or processor act exclusively within such a program. The bill authorizes the Commissioner to charge a fee for certain THC testing. Finally, the bill directs the Department to report by December 1, 2019, (a) to the General Assembly on the fiscal impact of the growth of the industrial hemp industry upon the Department's registration program and the existence of any need to alter the registration fee and (b) to the Chairmen of the House and Senate Agriculture Committees on the viability of markets for Virginia industrial hemp growers, the types of products made from industrial hemp that can be produced in Virginia, and the economic benefits and costs of production of such products. The bill also directs the Secretary of Agriculture and Forestry and the Secretary of Health and Human Resources to report by November 1, 2019, on the appropriate standards, if any, for the production of an oil with a THC concentration of no greater than 0.3% that is derived from industrial hemp. The bill contains an emergency clause.

HB 2786/SB 1355. Coal combustion residuals impoundment; closure. Requires the owner or operator of any coal combustion residuals (CCR) unit, defined in the bill to include a coal ash pond or landfill, within the Chesapeake Bay watershed at Bremono Power Station, Chesapeake Energy Center, Chesterfield Power Station, and Possum Point Power Station to close such CCR unit by removing all of the CCR for (i) recycling, known as encapsulated beneficial use, or (ii) deposition in a permitted and lined landfill that meets certain federal standards. The measure requires that any owner or operator beneficially reuse no less than 6.8 million cubic yards in aggregate of such removed CCR from no fewer than two of the sites. Such a closure project shall be completed within 15 years of its initiation and shall be accompanied by an offer by the owner or operator to provide connection to a municipal water supply for every residence within one-half mile, or if such connection is not feasible, the owner or operator shall offer to provide water testing for any such residence.



The bill provides that if the owner or operator moves CCR off-site, it shall develop a transportation plan in consultation with any county, city, or town in which the CCR units are located and any county, city, or town within two miles of the CCR units, for any truck transportation that minimizes the effects on adjacent property owners and surrounding communities. The bill requires the owner or operator of a CCR unit to accept and review on an ongoing basis sufficiently detailed proposals to beneficially reuse any CCR that are not already subject to a removal contract. The bill requires that any entity conducting the closure work (i) identify options for utilizing local workers, (ii) consult with the Commonwealth's Chief Workforce Development Officer on opportunities to advance the Commonwealth's workforce goals, and (iii) give priority to the hiring of local workers.

The bill requires the CCR unit owner or operator to submit two biennial reports beginning October 1, 2022, and continuing until closure of all of its CCR units is complete. One report describes closure plans, progress, a detailed accounting of the amounts of CCR that have been beneficially reused and the amount of CCR that have been landfilled, the utilization of transportation options, water monitoring results, and other aspects of the closure process; the other report contains the beneficial reuse proposals that the owner or operator has received and its analysis of such proposals.

The measure provides that all costs associated with closure of a CCR unit shall be recoverable through a rate adjustment clause authorized by the State Corporation Commission (the Commission) provided that (i) when determining the reasonableness of such costs the Commission shall not consider closure in place of the CCR unit as an option and (ii) the annual revenue requirement recoverable through a rate adjustment clause shall not exceed \$225 million on a Virginia jurisdictional basis for the Commonwealth in any 12-month period, provided that any under-recovery amount of revenue requirements incurred in excess of \$225 million in a given 12-month period shall be deferred and recovered through the rate adjustment clause over up to three succeeding 12-month periods. The bill provides that costs may begin accruing on July 1, 2019, but no approved rate adjustment clause charges shall be included in customer bills until July 1, 2021; any such costs shall be allocated to all customers of the utility in the Commonwealth as a non-bypassable charge, irrespective of the generation supplier of any such customer; and any such costs that are allocated to the utility's system customers outside of the Commonwealth that are not actually recovered from such customers shall be included for cost recovery from jurisdictional customers in the Commonwealth through the rate adjustment clause. The measure prohibits cost recovery for any fines or civil penalties resulting from violations of federal or state law.

Alcoholic Beverage Control

HB 2073/SB 1726. Alcoholic beverage control; happy hour advertising. Expands the ability of retail on-premises licensees to advertise happy hours by allowing them to advertise the prices of featured alcoholic beverages and to use creative marketing techniques, provided that such techniques do not tend to induce overconsumption or consumption by minors.

HB 2634/SB 1110. Alcoholic beverage control; local referendums. Allows the sale of mixed beverages by licensed restaurants and the sale of alcoholic beverages by the Board of Directors



of the Virginia Alcoholic Beverage Control Authority in any county, town, or supervisor's election district unless a referendum is held and a majority of the voters voting in such referendum vote to prohibit such sales. Under current law, such sales are prohibited unless they have been approved through the referendum process. The bill includes a grandfathering provision that allows the granting of a mixed beverage license to any establishment described in § 4.1-126, as it was in effect prior to the effective date of this bill, notwithstanding the provisions of the bill related to local referendums but subject to other applicable laws and regulations. The bill has a delayed effective date of July 1, 2020, but allows localities to hold anticipatory referendums between July 1, 2019, and June 30, 2020, and provides that the results of such referendums shall become valid and enforceable on July 1, 2020. The bill provides that the result of any referendum held prior to July 1, 2019, shall remain valid and enforceable for a period of five years.

SB 1420. Alcoholic beverage control; alcoholic beverage licenses. Creates a coworking establishment license that allows facilities that have at least 100 members and offer shared office space to serve wine and beer to members and guests on the licensed premises. The bill imposes a \$500 annual state tax and a \$50 annual local tax on the license. The bill also creates a bespoke clothier establishment license that allows permanent retail establishments that offer, by appointment only, custom made apparel and that offer a membership program to customers to serve wine or beer for on-premises consumption upon the licensed premises approved by the Board to any member. The bill imposes a \$100 annual state tax and a \$20 annual local tax on the license.

Animal Care & Control

HB 2745. Dangerous dog; deferral of proceedings. Authorizes a court to defer proceedings in the adjudication of an animal as a dangerous dog. Such authority requires the court to place conditions upon the owner of the animal, the violation of which shall authorize the court to proceed as it otherwise would have. The bill provides that upon the fulfillment of the conditions, the court shall dismiss the proceedings against the animal and the owner.

SB 1367. Dogs running at large in packs; local ordinance; civil penalty. Requires a locality that adopts an ordinance to prohibit the running at large of all or any category of dogs to exempt dogs used for hunting and requires such locality to include in such ordinance a civil penalty in an amount established by the locality not to exceed \$100 per dog for the owner or custodian of any dog found running at large in a pack. The bill requires that such civil penalties be deposited by the local treasurer in the dog and cat license fund, which is used to support animal control.

SB 1462. Comprehensive animal care; enforceable under Virginia Consumer Protection Act. Subjects provisions related to misrepresentation of animals' conditions to enforcement under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). The bill also increases from one year to two years following the date of sale the period of time for which a pet dealer is required to maintain a copy of the pet dealer's animal history certificate that is signed by the consumer.



Civil Procedure

HB 1820. Nondisclosure or confidentiality agreement; sexual assault; condition of employment. Prohibits an employer from requiring an employee or a prospective employee to execute or renew any provision in a nondisclosure or confidentiality agreement that has the purpose or effect of concealing the details relating to a claim of sexual assault as a condition of employment.

HB 2287/SB 1422. Lease agreements; requirements; emergency. Specifies that a lease agreement or other written document conveying a non-freehold estate in land is not invalid, unenforceable, or subject to repudiation by the parties to such agreement on account of, or otherwise affected by, the fact that the conveyance of the estate was not in the form of a deed. Current law requires a lease for a term of more than five years to be in the form of a deed. The bill further replaces all references throughout the Code to "deed of lease" with the term "lease." This bill is in response to *The Game Place, L.L.C., et al. v. Fredericksburg 35, LLC*, 295 Va. 396, 813 S.E.2d 312 (Va. 2018). The bill contains an emergency clause.

SB 1619. Spoliation of evidence. Establishes that a party or potential litigant has a duty to preserve evidence that may be relevant to reasonably foreseeable litigation. The bill further provides that a court (i) upon finding prejudice to another party from loss, disposal, alteration, concealment, or destruction of such evidence, may order measures no greater than necessary to cure the prejudice, or (ii) only upon finding that the party acted recklessly or with the intent to deprive another party of the evidence's use in the litigation, may (a) presume that the evidence was unfavorable to the party, (b) instruct the jury that it may or shall presume that the evidence was unfavorable to the party, or (c) dismiss the action or enter a default judgment. The bill further provides that no independent cause of action for negligent or intentional spoliation of evidence is created.

Corrections

HB 1884. Visitors at state correctional facilities; wearing of tampons or menstrual cups. Directs the Director of the Department of Corrections to review the Department's visitation policies concerning visitors' wearing of tampons or menstrual cups at state correctional facilities and shall revise such policies as necessary to permit such visitors to wear tampons or menstrual cups. The bill directs the Department to make the policy available to the public as soon as practicable and to provide a copy to the Chairmen of the House Committee on Militia, Police and Public Safety and the Senate Committee on Rehabilitation and Social Services by November 1, 2019.

Criminal Offenses

HB 2170. False caller identification information; penalty. Makes it a Class 3 misdemeanor for any person who, with the intent to defraud, intimidate, or harass, causes a telephone to ring and engages in conduct that results in the display of false caller identification information on the



called party's telephone. The bill raises the penalty to a Class 2 misdemeanor for a second or subsequent conviction. The bill does not apply to the blocking of caller identification information, to law-enforcement agencies and officers, to intelligence or security agencies of the federal government and their employees, or to telecommunications, broadband, or Voice-over-Internet protocol service providers in certain circumstances.

HB 2678/SB 1736. Unlawful dissemination or sale of images of another person; penalty. Provides, for the purposes of the prohibition against the unlawful dissemination or sale of certain images of another person, that "another person" includes a person whose image was used in creating, adapting, or modifying a videographic or still image with the intent to depict an actual person and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic.

SB 1395. Threats of death or bodily injury to a health care provider. Provides that any person who orally makes a threat to kill or to do bodily injury against any health care provider who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering emergency medical care is guilty of a Class 1 misdemeanor, unless the person is on the premises of the hospital or emergency room as a result of an emergency custody order, an involuntary temporary detention order, an involuntary hospitalization order, or an emergency custody order of a conditionally released acquttee.

Criminal Procedure

SB 1349. Safe reporting of overdoses. Eliminates the requirement to substantially cooperate with law enforcement in any investigation of any criminal offense reasonably related to an overdose in order to qualify for an affirmative defense from prosecution for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia.

Education & Student Discipline

HB 1652/SB 1005. School calendar; opening day of the school year. Requires each local school board to set the school calendar so that the first day students are required to attend school is no earlier than 14 days before Labor Day unless the Board of Education waives such requirement for good cause. Under current law, each local school board is required to set the school calendar so that the first day students are required to attend school is after Labor Day unless the Board of Education waives such requirement for good cause. The bill provides that in each school division in which the school board sets the school calendar so that the first day students are required to attend school is before Labor Day, such school board shall close each school in the school division from the Friday immediately preceding Labor Day through Labor Day. The bill exempts from certain requirements certain school boards that were previously granted good cause waivers by the Board of Education.

HB 1720/SB 1632. Possession or distribution of cannabidiol oil or THC-A oil; public schools. Provides that no school nurse employed by a local school board, person employed by a



local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board, or other person employed by or contracted with a local school board to deliver health-related services shall be prosecuted for possession or distribution of cannabidiol oil or THC-A oil for storing, dispensing, or administering cannabidiol oil or THC-A oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil. The bill also provides that the Department of Health Professions, in coordination with the Department of Education, shall develop and make available to school boards a standardized form that is to be completed by the practitioner who issues a written certification and a pharmaceutical processor that dispenses the cannabidiol oil or THC-A oil to a student. The bill also provides that no school board shall be required to suspend or expel any student who holds a valid written certification for the use of cannabidiol oil or THC-A oil issued by a practitioner for the possession or use of such oil in accordance with the student's individualized health plan and in compliance with a policy adopted by the school board.

HB 1729. School counselors; nomenclature; staff time. Changes the name of guidance counselors to school counselors and requires each school counselor employed by a school board in a public elementary or secondary school to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students.

HB 1997. Public elementary and secondary school students; protective orders; notification. Requires any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations court, or magistrate has issued a protective order for the protection of a child who is enrolled at a public elementary or secondary school where such principal is employed, or any other order prohibiting contact with such a child, including an order issued as a condition of pretrial or posttrial supervision, to subsequently notify certain school personnel that such order has been issued. The bill also requires the Board of Education to establish guidelines and develop model policies to aid school boards in the implementation of such notification.

HB 2037/SB 1397. Teacher licensure; criteria; assessments. Requires the Board of Education to issue a license to an individual seeking initial licensure who has not completed the professional assessments prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure. The bill removes the requirement that the Board of Education prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and establish a minimum passing score for such assessment.



HB 2609/SB 1130. Department of Criminal Justice Services; school resource officers; school administrators; training. Requires the Department of Criminal Justice Services (Department) to establish and every full-time or part-time law-enforcement officer employed as a school resource officer after July 1, 2020, to comply with compulsory minimum training standards for law-enforcement officers serving as school resource officers. The bill requires the training provided by the Department pursuant to such standards to be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and to be available throughout the Commonwealth. The bill requires each school board to ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety, unless such training is not available online.

Financial Institutions

HB 2690. Money transmitters. Requires money transmitters to be licensed through the National Multistate Licensing System and Registry (NMLS). The bill increases, from five percent to 10 percent, the interest that a person is required to own or control in a limited liability company in order to be subject to requirements applicable to members. The bill also (i) changes the due date for the \$750 annual license renewal fee from September 1 to December 31 and requirements pertaining to license renewal and (ii) authorizes reports and filings to be submitted to the Commissioner through the NMLS if the NMLS is able to receive them.

Firearms

HB 2548. Restoration of firearms rights; report to State Police. Creates a method whereby circuit courts shall report to the Department of State Police the issuance of a restoration order that unconditionally authorizes the possession, transportation, or carrying of a firearm to a person (i) who has been convicted of a felony; (ii) adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder, kidnapping, robbery by the threat or presentation of firearms, or rape; or (iii) under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult. The bill provides that if a court enters an order restoring a felon's right, the order shall contain the felon's name and date of birth and the clerk of the court shall certify and forward the restoration order accompanied by a complete set of the petitioner's fingerprints to the Central Criminal Records Exchange (CCRE). The bill provides that the Department of State Police, upon receipt of the restoration order, shall enter the felon's name and description in the CCRE so that law-enforcement personnel accessing the CCRE will be aware of the order's existence. The bill has a delayed effective date of January 1, 2021.

SB 1179. Application for a resident concealed handgun permit; United States Armed Forces. Provides that for purposes of determining domicile to obtain a resident concealed handgun permit a member of the United States Armed Forces is domiciled in the county or city where such member claims his home of record with the United States Armed Forces. The bill clarifies that a member of the United States Armed Forces who is stationed outside of the



Commonwealth but domiciled in the Commonwealth may apply for a resident concealed handgun permit.

Freedom of Information

HB 1650/SB 1060. Virginia Lottery Law; disclosure of a lottery winner's identity. Prohibits the Virginia Lottery from disclosing information about individual winners whose prize exceeds \$10 million, and exempts such information from disclosure under the Freedom of Information Act (FOIA), unless the winner consents to disclosure. Under FOIA, disclosure of the winner's name, hometown, and amount won is currently mandatory.

HB 1772. Virginia Freedom of Information Advisory Council; advisory opinions; evidence in civil proceeding. Provides that any officer, employee, or member of a public body alleged to have willfully and knowingly violated the Virginia Freedom of Information Act who acted in good faith reliance upon an advisory opinion issued by the Virginia Freedom of Information Advisory Council may introduce such advisory opinion as evidence that the alleged violation was not made willfully and knowingly. The bill contains technical amendments. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

General Laws

HB 1853/SB 1537. Virginia Property Owners' Association Act; home-based businesses. Provides that if a development is located in a locality classifying home-based child care services as an accessory or ancillary residential use under the locality's zoning ordinance, the provision of home-based child care services in a personal residence shall be deemed a residential use unless (i) expressly prohibited or restricted by the declaration or (ii) restricted by the association's bylaws or rules. The bill is a recommendation of the Virginia Housing Commission.

Health & Health Professions

HB 1743/SB 1405. Pharmacist; counseling for new prescriptions; disposal of medicine. Allows a pharmacist to include information regarding the proper disposal of medicine when giving counsel to a person who presents a new prescription for filling.

HB 1812. Department of Medical Assistance Services; waiver of eligibility criteria; dependents of foreign service members. Directs the Department of Medical Assistance Services to amend eligibility criteria for the Community Living waiver and the Family and Individual Support waiver to allow the dependent of a foreign service member to maintain his position on the waiting list following a transfer of the foreign service member to an assignment outside the Commonwealth, so long as the foreign service member maintains the Commonwealth as his legal residence to which he intends to return following completion of the assignment.

HB 2282. Issuance of temporary licenses; individuals engaged in counseling residency. Directs the Board of Counseling to promulgate emergency regulations for the



issuance of temporary licenses to individuals engaged in a counseling residency so that they may acquire the supervised, postgraduate experience required for licensure.

HB 2558/SB 1167. Medicaid recipients; treatment involving opioids or opioid replacements; payment. Prohibits health care providers licensed by the Board of Medicine from requesting or requiring a patient who is a recipient of medical assistance services pursuant to the state plan for medical assistance to pay out-of-pocket costs associated with the provision of service involving (i) the prescription of an opioid for the management of pain or (ii) the prescription of buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration for medication-assisted treatment of opioid addiction. The bill requires providers who do not accept payment from the Department of Medical Assistance Services (DMAS) who provide such services to patients participating in the Commonwealth's program of medical assistance services to provide written notice to such patient that (a) the Commonwealth's program of medical assistance services covers such health care services and DMAS will pay for such health care services if such health care services meet DMAS's medical necessity criteria and (b) the provider does not participate in the Commonwealth's program of medical assistance and will not accept payment from DMAS for such health care services. Such notice and the patient's acknowledgement of such notice shall be documented in the patient's medical record.

Higher Education

HB 1704/SB 1593. State Council of Higher Education for Virginia; financial aid award notification. Requires any comprehensive financial aid award notification provided to a student by a public institution of higher education or private institution of higher education to meet the requirements and best practices established by the State Council of Higher Education for Virginia in its Financial Aid Award Letters Policies and Guidance.

HB 2173/SB 1118. Public institutions of higher education; tuition and fee increases; public comment. Requires the governing board of each public institution of higher education, prior to a vote on an increase in undergraduate tuition or mandatory fees, to permit public comment on the proposed increase at a meeting of the governing board. The bill requires each such governing board to establish policies for such public comment, which may include reasonable time limitations.

HB 2490/SB 1617. Tech Talent Investment Program. Creates a grant program to assist qualified public institutions of higher education, defined in the bill, in reaching, by 2039, a goal of increasing by at least 25,000 degrees the number of bachelor's and master's degrees awarded in computer science, computer engineering, and closely related fields, or that otherwise align with traded-sector, technology-focused growth opportunities identified by the Virginia Economic Development Partnership Authority. To be eligible for an annual grant, a qualified institution is required to enter into a memorandum of understanding setting forth specific criteria for eligible degrees, eligible expenses, degree production goals, and graduation rates. Failure to meet criteria would result in the adjustment of future awards.



The bill requires qualified institutions that are grant recipients to report annually on progress towards meeting such goals and that grants issued pursuant to the program are subject to appropriation, and for the Secretary of Finance to report annually regarding the progress of each qualified institution in meeting its goals and the amount of grants awarded to such institution.

Housing

HB 1898/SB 1445. Virginia Residential Landlord and Tenant Act; tenant's right of redemption. Extends the amount of time that a tenant may have an unlawful detainer dismissed to two days before a writ of eviction is delivered to be executed if the tenant pays all amounts claimed on the summons in unlawful detainer to the landlord, the landlord's attorney, or the court.

HB 2054/SB 1676. Virginia Residential Landlord and Tenant Act; rental agreement; provisions made applicable by operation of law. Requires a landlord to offer the tenant a written rental agreement containing the terms governing the rental of the dwelling unit and setting forth the terms and conditions of the landlord tenant relationship. The bill provides that in the event a written rental agreement is not offered by the landlord, a rental tenancy shall be deemed to exist by operation of law and establishes the terms and conditions of that tenancy. This bill is a recommendation of the Virginia Housing Commission.

HB 2655/SB 1450. Eviction Diversion Pilot Program. Establishes the Eviction Diversion Pilot Program (the Program), consisting of specialized dockets within the existing structure of the general district courts for the cities of Danville, Hampton, Petersburg, and Richmond. The Program is established as a pilot program that has a delayed effective date of July 1, 2020, and that expires on July 1, 2023. The purpose of the Program is to reduce the number of evictions of low-income persons. Parties to an unlawful detainer action in participating jurisdictions will be directed to participate in the Pilot Program upon certain findings by the court. The Virginia Housing Commission (the Commission) shall request data from the Executive Secretary of the Supreme Court of Virginia for the evaluation of the Program's effectiveness and potential benefits and costs. The bill tasks the Commission with making recommendations for legislative action to the General Assembly, the Chairmen of the Senate Committees on Finance, General Laws and Technology, and Courts of Justice, and the Chairmen of the House Committees on Appropriations, Finance, General Laws, and Courts of Justice prior to the 2023 Session.

SB 1449. Virginia Residential Executory Real Estate Contracts Act. Creates the Virginia Residential Executory Real Estate Contracts Act establishing provisions applicable to such contracts. The bill defines a residential executory real estate contract as an installment land contract, lease option contract, or rent-to-own contract by which a purchaser acquires any right or interest in real property other than a right of first refusal and occupies or intends to occupy the property as his primary residence. The bill also provides for the Board for Housing and Community Development to develop and make available on its website best practice provisions for residential executory real estate contracts. As introduced, this bill was a recommendation of the Virginia Housing Commission.



Insurance

HB 1883. Motor vehicle insurance policies; foster parents and foster children. Prohibits an insurer from refusing to issue or failing to renew a motor vehicle insurance policy solely because of the status of the applicant or policyholder, as applicable, as a foster care provider or a person in foster care.

HB 1915/SB 1161. Expedited review of adverse coverage determinations; cancer patients. Provides that a covered person shall not be required to have exhausted his health carrier's internal appeal process before seeking an external review of an adverse determination regarding coverage of treatment if the treatment is to treat his cancer. The measure provides that a covered person may request an expedited external review if the adverse determination relates to the treatment of a cancer of the covered person. The measure requires health carriers' notices of the right to an external review to notify covered persons of this provision. The bill contains an emergency clause.

HB 2109/SB 1325. Guaranteed asset protection waivers. Establishes requirements for offering guaranteed asset protection (GAP) waivers, which are agreements, entered into as a part of or addendum to a motor vehicle financing agreement, under which the creditor agrees for a separate charge to waive or cancel amounts due on the finance agreement if the financed motor vehicle is totally damaged or stolen. The measure requires the creditor to insure its GAP waiver obligations; prohibits a creditor from conditioning an extension or term of credit on the purchase of a GAP waiver; requires a GAP waiver to include disclosures regarding the cancellation of the GAP waiver during a free look period; and establishes requirements and restrictions for the cancellation of GAP waivers, including refund provisions. The measure provides that GAP waivers are not insurance and are exempt from Virginia's insurance laws.

HB 2186/SB 1565. Travel insurance. Establishes procedures and requirements for travel protection plans and travel administrators. The measure establishes travel insurance as an inland marine line of insurance sold by property and casualty insurance agents. The measure (i) prohibits any person from acting as a limited lines travel insurance agent unless properly licensed, (ii) prohibits any person from acting as a travel retailer unless properly registered, and (iii) authorizes the State Corporation Commission to take enforcement actions, including suspending, revoking, or terminating a license. The measure establishes a premium tax on travel insurance premiums paid by residents of the Commonwealth and establishes acceptable practices for the sale and advertising of travel insurance. The measure applies to travel insurance policies purchased on or after July 1, 2019.

HB 2345. Health insurance rates; minimum loss ratios. Codifies certain provisions that currently are set out in regulations adopted by the State Corporation Commission pertaining to the establishment of minimum loss ratios to assure that the benefits provided by accident and sickness insurance policies are or are likely to be reasonable in relation to the premiums charged. The measure authorizes the Commission, upon finding that a premium rate filed will not meet the originally filed and approved loss ratio, to require appropriate rate adjustments, premium



refunds, or premium credits as necessary for the coverage to conform with established minimum loss ratio standards.

HB 2515/SB 1596. Health insurance; payments made on behalf of enrollee. Requires any carrier issuing a health plan in the Commonwealth to count any payments made by another person on the enrollee's behalf, as well as payments made by the enrollee, when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan.

HB 2538. Balance billing; elective services. Requires a facility where a covered person receives scheduled elective services to post the required notice or inform the covered person of the required notice at the time of pre-admission or pre-registration. The bill also requires such a facility to inform the covered person or his legal representative of the names of all provider groups providing health care services at the facility, that consultation with the covered person's managed care plan is recommended to determine if the provider groups providing health care services at the facility are in-network providers, and that the covered person may be financially responsible for health care services performed by a provider that is not an in-network provider, in addition to any cost-sharing requirements.

HB 2639/SB 1611. Health care shared savings; incentive programs. Requires health carriers to establish a comparable health care service incentive program under which savings are shared with a covered person who elects to receive a covered comparable health care service from a lower-cost provider. Incentive payments are not required for savings of \$25 or less. The measure requires health carriers to comply with transparency requirements beginning with health benefit plans offered or renewed on or after July 1, 2020. Programs are required to be approved by the Commissioner of Insurance.

HB 2719/SB 1475. Health insurance; small employers. Revises the definition of "small employer" for purposes of group health insurance policies to provide that an individual who performs any service for remuneration under a contract of hire for (i) a corporation in which he is a shareholder or an immediate family member of a shareholder or (ii) a limited liability company in which he is a member, regardless of the number of members of the limited liability company, shall be deemed to be an employee of the corporation or the limited liability company. The measure provides that a health insurance issuer shall not be required to issue more than one group health plan for each employer identification number issued by the Internal Revenue Service for a business entity, without regard to the number of shareholders or members of such business entity.

HB 2770/SB 1734. Health policies; variances in area rating factors. Requires a rate filing by a health carrier that proposes area rate factors in the individual or small group market that exceed the weighted average of the proposed area rate factors among all rating areas by more than 15 percent to include, in publicly available and unredacted form, a comparison of the area rate factor for individual and small group plans that utilize the same provider network and provider reimbursement levels of the health benefit plans that are subject to the filing. In addition, to the extent that the health carrier is deriving any area rate factor from experience data, the measure



requires the health carrier to provide additional information, including aggregated incurred claims for any provider exceeding 30 percent of total claims for the rating area in that market. The measure requires the State Corporation Commission to hold a public hearing before approving such proposed rates. The measure also bars the Commission from approving such a proposed rate filing if (i) a variance in area rate factors, indexed to the same rating region for both the individual and small group markets, of 15 percent or more exists between health benefit plans a carrier intends to offer in the individual market and health benefit plans intended to be offered in the small group market, when those plans utilize the same provider networks and reimbursement levels and (ii) the methodologies used to calculate the area rate factors are different between the two markets. The measure provides that beginning for plan year 2020, a health carrier with an approved rate filing that contains at least one area rate factor that exceeds by more than 25 percent the weighted average of the area rate factors among all rating areas in a market in which the health carrier offers individual or small group health insurance coverage shall file with the Commission for each calendar quarter during that plan year a report that provides, for each rating area within the market in which the health carrier operates, the plan's enrollment, total premiums, allowed claims, incurred claims excluding anticipated or, if available, actual risk adjustment payments or receipts, incurred claims including anticipated or, if available, actual risk adjustment payments or receipts, loss ratio, and aggregate claims, for each provider exceeding 25 percent of total claims for that rating area. The measure requires the health carrier to make each such quarterly report publicly available, without redaction, not later than 45 days after the end of the calendar quarter.

SB 1607. Health insurance; carrier business practices; authorization of health care services. Provides that if a carrier has previously authorized an invasive or surgical health care service as medically necessary and during the procedure the health care provider discovers clinical evidence prompting the provider to perform a less or more extensive or complicated procedure than was previously authorized, then the carrier shall pay the claim, provided that it is appropriately coded consistent with the procedure actually performed, the additional procedures were not investigative in nature, and the additional procedure was compliant with a carrier's post-service claims process. The measure requires any provider contract between a carrier and a participating health care provider to contain certain specific provisions addressing how carriers interact with prior authorization requests. The measure requires that no prior authorization is required for at least one drug prescribed for substance abuse medication-assisted treatment, provided that (i) the drug is a covered benefit, (ii) the prescription does not exceed the FDA labeled dosages, and (iii) the drug is prescribed consistent with the regulations of the Board of Medicine. The measure clarifies that the 24-hour period during which a carrier is required to communicate to a prescriber if an urgent prior authorization request submitted telephonically or in an alternate method directed by the carrier has been approved, denied, or requires supplementation includes weekend hours. The measure provides that a carrier shall not be required to pay a claim if the carrier has previously authorized health care service and if, during the post-service claims process, it is determined that the claim was submitted fraudulently.

SB 1685. Health insurance; credentialing; mental health professionals. Requires health insurers and other carriers that credential the mental health professionals in their provider



networks to establish reasonable protocols and procedures for reimbursing a mental health professional who has submitted a completed credentialing application to a carrier, after being credentialed by the carrier, for mental health services provided to covered persons during the period in which the applicant's completed credentialing application is pending. The measure requires health maintenance organizations that issue Medicaid coverage to provide reimbursement to physicians and mental health professionals during the credentialing process. Under current law, Medicare Advantage plans and Medicaid plans are excluded from such requirement. The measure provides that health insurers that credential mental health professionals in their network may establish reasonable protocols and procedures for credentialing private mental health agencies. The bill establishes minimum standards that must be maintained by credentialed private mental health agencies.

Labor & Employment

HB 2473/SB 1079. Minimum wage; exemptions. Eliminates the exemptions to Virginia's minimum wage requirements for newsboys, shoe-shine boys, babysitters who work 10 hours or more per week, ushers, doormen, concession attendants, and cashiers in theaters. The measure contains technical amendments.

Motor Vehicles

HB 1865/SB 1567. Localities; towing fees. Provides that localities in Planning District 8 and Planning District 16 shall establish by ordinance a hookup and initial towing fee of no less than \$135 and no more than \$150. Current law authorizes such localities to set the hookup and initial towing fee at \$135.

HB 1927. Special identification card; applicants who are blind or vision impaired. Requires the Department of Motor Vehicles to, upon request of the applicant, indicate on an applicant's special identification card that he is blind or vision impaired.

HB 2441. Special identification card without a photograph; fee; confidentiality; penalties. Requires the Department of Motor Vehicles to issue a special identification card without a photograph to a person with a sincerely held religious belief prohibiting the taking of a photograph who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029. The bill allows a special identification card without a photograph to be similar in size, shape, and design to a driver's license but requires (i) that it be clearly distinguishable from a driver's license, (ii) that it not include a photograph of its holder, and (iii) that it clearly state that (a) the card does not authorize the holder to operate a motor vehicle, (b) federal limits apply, and (c) the card is not valid identification to vote. The bill provides that giving false information, concealing a material fact, or otherwise committing a fraud in applying for a special identification card without a photograph is guilty of a Class 2 misdemeanor and that obtaining a special identification card without a photograph for the purpose of committing any offense punishable as a felony constitutes a Class 4 felony. The bill



contains technical amendments. This bill is the result of a study conducted by the Department of Motor Vehicles.

HB 2514. Motor vehicle safety inspections; charges. Increases the maximum charge for a state safety inspection for a motor vehicle from \$16 to \$20 and increases the amount transmitted to the Department of State Police from \$0.50 to \$0.70.

Professions & Occupations

HB 2218. Virginia Consumer Protection Act; prohibited practices; unlawful practice of an occupation or profession. Makes the unlawful and unlicensed practice of contracting, real estate brokering, or real estate sales, in connection with a consumer transaction, unlawful under the Virginia Consumer Protection Act.

Social Services

HB 1871/SB 1145. Virginia Initiative for Employment Not Welfare (VIEW); transitional child care. Allows VIEW participants whose Temporary Assistance for Needy Families financial assistance is terminated to receive child care assistance for up to 12 months after termination if the individual is enrolled in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and is taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license. Under current law, such child care assistance is only available if it enables the individual to work.

HB 2014. Family First Prevention Services Act; statutory alignment. Aligns the Code of Virginia with the federal Family First Prevention Services Act of 2018. The bill contains an emergency clause for provisions of the bill relating to background checks for employees of, volunteers at, and contractors providing services to juveniles at children's residential facilities.

HB 2108. Foster care agreements; rights of foster parent; dispute resolution. Directs the Department of Social Services to promulgate emergency regulations to ensure collaboration, communication, access, and transparency between the local boards and licensed child-placing agencies and foster parents. The bill also directs local boards of social services and licensed child-placing agencies to implement and publicize a dispute resolution process through which a foster parent may contest an alleged violation of such regulations by the local board or licensed child-placing agency.

SB 1678. Family First Prevention Services Act; statutory alignment. Aligns the Code of Virginia with the federal Family First Prevention Services Act of 2018 regarding background check requirements for employees of, volunteers at, and contractors providing services to juveniles at children's residential facilities. The bill contains an emergency clause.

SB 1679. Family First Prevention Services Act; statutory alignment. Aligns the Code of Virginia with the Family First Prevention Services Act of 2018.



Special License Plates

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

- The Virginia Aquarium: PROTECT SEA LIFE (HB 1637)
- Virginia State Parks (HB 1709)
- Virginia's Move Over law (HB 2011)

New special license plates were approved for persons awarded:

- The Navy and Marine Corps Medal (HB 1832)
- The Armed Forces Expeditionary Medal (HB 2220)

The existing special license plate for members of the International Association of Fire Fighters was changed from nonrevenue-sharing to revenue-sharing (HB 2114/SB 1474). The Virginia Association for Community Conflict Resolution changed its name to Resolution Virginia and the existing special license plate was updated accordingly (SB 1020).

Information on obtaining special license plates is available at any Department of Motor Vehicles office or online at www.dmv.virginia.gov.

Taxation

HB 1722/SB 1083. Remote sales and use tax collection; sufficient activity by dealers and marketplace facilitators as to require registration for sales and use tax collection. Directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019.

The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate.

The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser.



The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections.

HB 2529/SB 1372. Income tax; conformity. Advances conformity of the Commonwealth's tax code with the federal tax code to December 31, 2018, effective starting in taxable year 2018. Starting in taxable year 2019, the bill deconforms from the provisions of the federal Tax Cuts and Jobs Act (TCJA) that limit the deduction for state and local taxes and that suspend the overall limit on itemized deductions.

The bill establishes income tax subtractions starting in taxable year 2018 for Global Intangible Low-Taxed Income (GILTI) and for one-fifth of the amount of business interest that is disallowed as a deduction from federal income tax.

The bill increases the standard deduction to \$4,500 for single individuals and \$9,000 for married persons filing jointly for taxable years 2019 through 2025. Under current law, the standard deduction is \$3,000 for single individuals and \$6,000 for married couples filing jointly.

The bill provides for a refund, not to exceed a taxpayer's tax liability of up to \$110 for individuals and \$220 for married persons filing a joint return. The refund will be issued in October 2019 and will be available only for a taxpayer filing a final return by July 2019. The refunds will be reduced and prorated if the additional revenues generated by the TCJA are insufficient to fully fund the refunds.

The bill establishes the Taxpayer Relief Fund (the Fund). For fiscal years 2019 through 2025, any additional revenues attributable to the TCJA, beyond those necessary to fund the provisions of the bill, would accrue to the Fund. The bill directs the General Assembly to appropriate money from the Fund to enact permanent or temporary tax reform measures.

The bill contains an emergency clause.

Trade & Commerce

HB 2038/SB 1188. Extended service contracts; bonding requirement; remedies; civil penalty. Eliminates the requirement that extended service contract providers file and maintain a bond or letter of credit with the Commissioner of the Department of Agriculture and Consumer Services (VDACS). The bill also (i) requires service contracts to include a disclosure advising a purchaser that he may file a complaint with VDACS if an obligor denies or does not honor a promise made in a contract within 60 days after a request; (ii) authorizes the Commissioner of VDACS, upon receiving a complaint regarding such a request, to investigate whether there has been an improper denial or failure of a purchaser's request and require the obligor to rectify or justify any improper denial or failure; and (iii) authorizes the Commissioner to (a) issue a cease and desist order; (b) deny, suspend, or revoke the obligor's registration; or (c) assess a civil penalty if the denial or failure is not rectified or sufficiently justified. The bill includes



procedural provisions concerning the Commissioner's powers to deny, suspend, or revoke an obligor's registration.

HB 2218. Virginia Consumer Protection Act; prohibited practices; unlawful practice of an occupation or profession. Makes the unlawful and unlicensed practice of contracting, real estate brokering, or real estate sales, in connection with a consumer transaction, unlawful under the Virginia Consumer Protection Act.

HB 2600/SB 1041. Virginia Telephone Privacy Protection Act. Provides that a telephone solicitor and the seller on whose behalf or for whose benefit a telephone solicitation call offering or advertising a seller's property, goods, or services is made or initiated are jointly and severally liable for violations of the Virginia Telephone Privacy Protection Act (§ 59.1-510 et seq.). The measure establishes a presumption that a telephone solicitation call offering or advertising a seller's property, goods, or services is made or initiated on behalf of or for the benefit of the seller and provides that this presumption may be rebutted if it is shown by clear and convincing evidence that (i) the seller did not retain or request the telephone solicitor to make telephone solicitation calls on the seller's behalf or for the seller's benefit and (ii) such telephone solicitation calls were made by the telephone solicitor without the seller's knowledge or consent. The measure removes a provision that authorized the Commissioner of the Department of Agriculture and Consumer Services to inquire into possible violations of the Act and contains technical amendments.

SB 1513. Agricultural equipment; time frame for reporting nonconformities. Changes the date by which a consumer is required to report to a manufacturer, its agent, or its authorized dealer the nonconformity of agricultural equipment from the earlier to the later of (i) the expiration date of an express written warranty or (ii) one year following the date of delivery of the agricultural equipment.

SB 1600. Motor fuels. Requires every dispensing device used in the retail sale of motor fuel to identify the motor fuel and be labeled in accordance with a publication of the National Institute of Standards and Technology. The measure authorizes the Board of Agriculture and Consumer Services to amend or reject such identification or labeling requirements. Existing provisions regarding the labeling of motor fuel dispensing devices are removed.

Traffic Offenses

HB 1712/SB 1383. Dismissal of summons for expiration of vehicle registration; proof of compliance. Authorizes courts to dismiss a summons issued for expiration of vehicle registration if the defendant provides to the court proof of compliance with the law on or before the court date. This bill is a recommendation of the Committee on District Courts.

HB 2805. Parking; access aisles adjacent to parking spaces reserved for persons with disabilities. Prohibits parking any vehicle in any striped access aisle adjacent to a parking space reserved for persons with disabilities.



SB 1521. Handheld photo speed monitoring devices. Requires the Secretary of Public Safety and Homeland Security to review and report on the proposed use of handheld photo speed monitoring devices and any legal or constitutional implications of dedicating civil penalties to a fund other than the Literary Fund. Subject to a reenactment clause, the bill provides that the Department of State Police may operate a handheld photo speed monitoring device, defined in the bill, in or around a highway work zone for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone when (i) workers are present and (ii) such highway work zone is indicated by appropriately placed signs displaying the maximum speed limit and the use of such handheld automated speed monitoring device. The bill also provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld photo monitoring device.

SB 1768. Use of handheld personal communications devices; highway work zones; penalty. Prohibits any person from holding a handheld personal communications device in his hand while driving a motor vehicle in a highway work zone, with certain exceptions. The bill provides that a violation is punishable by a mandatory fine of \$250. Current law prohibits only the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating, with the same exceptions.

Transportation

HB 2718/SB 1716. Interstate 81; Interstate 81 Corridor Improvement Fund. Creates an Interstate 81 Committee, tasked with developing and updating a program related to Interstate 81 Corridor safety and improvements, and creates an Interstate 81 Corridor Improvement Fund (Fund). The bill provides revenues for the Fund through the creation of a new registration fee, a diesel tax, a regional gas tax, and a roads tax. The new registration fee would apply to non-passenger vehicles weighing over 10,000 pounds. Additionally, private and for-hire nonpassenger vehicles would pay the existing registration fee at the rate currently paid by for-hire vehicles. Beginning July 1, 2021, a tax at the rate of 2.03 percent of the statewide average wholesale price of a gallon of diesel fuel would be imposed statewide on the sale of diesel fuel. A regional gas tax, like the tax imposed in the Northern Virginia and Hampton Roads regions, would be applied to the sale of gasoline and diesel at a rate of 2.1 percent of the statewide average price of a gallon of gasoline and diesel fuels. The existing roads tax, currently \$0.035 per gallon of fuel, would be determined annually by the Commissioner by multiplying the average fuel economy (defined in the amendment as the total taxable miles driven in the Commonwealth divided by the total taxable gallons of fuel consumed in the Commonwealth, as reported on International Fuel Tax Agreement Returns) by \$0.01125 for fiscal year 2020, and by \$0.0225 for fiscal year 2021 and each year thereafter. All of the revenues generated by the regional gas tax would be deposited in the Fund. The other new revenues would be apportioned among the Fund, the Northern Virginia Transportation Authority Fund, and Commonwealth Transportation Board for use in other interstate corridors based upon total vehicle miles driven by vehicles classified as Class 6 or higher on Interstate 81, interstates within the boundaries of



Planning District 8, and other interstate corridors, respectively, as compared with total vehicle miles driven on interstates in the Commonwealth by vehicles classified as Class 6 or higher.

HB 2752. Motorized skateboards or scooters; operation; local authority. Authorizes localities to regulate the operation of companies providing motorized skateboards or scooters for hire. The bill changes the definition of motorized skateboard or scooter by (i) removing the requirement that such device have no seat and requiring that the device be designed to allow a person to stand or sit, (ii) removing the maximum power limits for such device and providing that the device may be powered in whole or in part by an electric motor, (iii) providing that the device has a speed of no more than 20 miles per hour, and (iv) providing that such device weighs less than 100 pounds. The bill makes consistent the operational requirements for motorized skateboards or scooters and similar devices, including (a) allowing motorized skateboards and scooters to be driven on sidewalks, (b) requiring motorized skateboards and scooters driven on a roadway to be driven as close to the right curb as is safely practicable, (c) prohibiting the operation of motorized skateboards or scooters on any Interstate Highway System component, and (d) requiring operators of motorized skateboards and scooters to give hand signals and have lights on such devices. The bill prohibits operating a motorized skateboard or scooter at a speed faster than 20 miles per hour. Certain provisions of this bill have a delayed effective date of January 1, 2020.

Utilities

HB 1934. Electric vehicle charging stations; operation by certain state agencies. Authorizes the Department of General Services, Department of Motor Vehicles, and Department of Transportation to locate and operate a retail fee-based electric vehicle charging station on property the agency controls if the electric vehicle charging services are offered at prevailing market rates, as defined in the bill. The bill exempts such agencies from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. Currently, such provisions are applicable only to the Department of Conservation and Recreation when operating a retail fee-based electric vehicle charging station on property of any existing state park or similar recreational facility the Department of Conservation and Recreation controls.

HB 2332. Electric utilities; protection of customer data. Requires the State Corporation Commission to convene and facilitate a Data Access Stakeholder group to review and consider certain elements of electric utility customer privacy considerations, including data sharing, protection of customers' personally identifiable information, opt-in/opt-out conditions for access to customers' utility usage data by the electric utility, and notice requirements by utilities to customers regarding energy usage data being collected. The measure requires the Data Access Stakeholder group to conclude its work no later than April 1, 2020, and report its recommendations to the General Assembly.

HB 2691. Electric utilities; provision of broadband services. Requires the State Corporation Commission to establish pilot programs under which Dominion Energy and Appalachian Power



may submit a petition to provide or make available broadband capacity to nongovernmental Internet service providers in areas of the Commonwealth that are unserved by broadband. The costs of Dominion Power and Appalachian Power's proposals are each capped at \$60 million annually. The provision of such broadband capacity is declared to be in the public interest. The measure authorizes the utilities to recover the net costs of the pilot program from customers through a rate adjustment clause. The measure authorizes such utility to own or lease broadband capacity equipment. The measure requires the Commission to conduct proceedings to determine whether an area is unserved by broadband.

HB 2789. Direct the establishment of energy conservation measures providing incentives for the development of electric energy delivered from sunlight. Requires Dominion Power and Appalachian Power Company to seek approval for a three-year program of energy conservation measures providing incentives to low income, elderly and disabled individuals in an amount not to exceed \$25 million in the aggregate for the installation of measures that reduce residential heating and cooling costs and enhance the health and safety of residents. The measure also requires the utilities to develop a program of energy conservation measures providing incentives, open to low income, elderly and disabled individuals who also participate in the above-described incentive program, in an amount not to exceed \$25 million in the aggregate, for the installation of equipment to develop electric energy derived from sunlight. The measure provides that the utilities may provide such incentives directly to customers or to organizations that assist low income, elderly and disabled individuals. The measure directs that in developing such incentive programs, each utility shall give consideration to low income, elderly and disabled persons residing in housing that a redevelopment and housing authority owns or controls.

HB 2792/SB 1779. Electric utilities; municipal net energy metering. Directs the State Corporation Commission to establish a pilot program that affords the opportunity for any locality to participate in net energy metering if it is a retail customer of a certain type of investor-owned electric utility. In order to qualify for the program, the locality is required to own and operate a renewable generating facility with a generating capacity of not more than two megawatts that is located on the municipality's premises and is intended primarily to offset all or part of the locality's own electricity requirements. Under the pilot program, a municipal customer-generator that generates electricity in amounts that exceed the amount of electricity consumed by the municipal customer-generator, determined annually, to credit one or more of the municipality's target metered accounts in order that the generation energy charges on the electric bills of the target's metered accounts are reduced by the amount of excess generation kilowatt hours apportioned to the metered account multiplied by the applicable generation energy rate of the target's accounts. In Appalachian Power's service territory, metered accounts of the public school division of a locality may be target accounts. The amount of generating capacity of all generating facilities that are the subject of a pilot program are limited to (i) five megawatts if Appalachian Power is the pilot program utility, though the utility may increase the amount to up to 10 megawatts or (ii) 25 megawatts if Dominion Power is the pilot program utility. Such aggregated capacities of the generation facilities that are the subject of a pilot program constitute a portion of the existing limit of the utility's adjusted Virginia peak-load forecast of the previous year that is



available to municipal customer-generators, eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the utility's service area. The duration of the pilot program is six years.

Voting

HB 1790. Absentee voting; certain absentee voters permitted to vote after close of absentee voting location. Provides that an applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

HB 2790/SB 1026. Absentee voting; no-excuse in-person voting available beginning on second Saturday immediately preceding election. Allows for any registered voter to vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting with an absentee ballot by mail or in person prior to the second Saturday immediately preceding the election, including the application requirement and the list of statutory reasons for absentee voting. The provisions of the bill do not become effective until the November 3, 2020, general election, and the State Board of Elections is required to submit a report on the procedures and instructions it promulgates for conducting absentee voting pursuant to the provisions of the bill.

SB 1244. Voter registration; protected voter; foster parents. Adds to the list of protected voters any person who has been approved to be a foster parent pursuant to law. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants.

Workers' Compensation

HB 2022. Workers' compensation; filing of claim. Provides that if an employer has received notice of an accident resulting in compensable injury to an employee and the employer has paid compensation or wages to such employee during incapacity for work resulting from such injury or the employer has failed to file the report of said accident with the Virginia Workers' Compensation Commission or otherwise has under a workers' compensation plan or insurance policy furnished or caused to be furnished medical service to such employee, the statute of limitations applicable to the filing of a claim shall be tolled until the last day for which such payment of compensation or wages or furnishment of medical services is provided and that occurs more than six months after the date of accident. The measure provides that no such payment of wages or workers' compensation benefits or furnishment of medical service



occurring after the expiration of the statute of limitations applies to this provision. The measure also provides that (i) if the employer has failed to file a first report, the statute of limitations shall be tolled during the duration thereof until the employer filed the first report of accident and (ii) if more than one of the above tolling provisions applies, whichever of those causes the longer period of tolling shall apply.

