

CHB1249 Commonwealth Transportation Commissioner. Requires the Commonwealth Transportation Commissioner to appoint an inspector general.

Patron - Rust

CHB1252 Highway construction districts; Commonwealth Transportation Board (CTB). Replaces the present nine highway construction districts with seven regions, as recommended by the Joint Legislative Audit and Review Commission. The bill also reduces the membership of the CTB by two members, with the members hitherto appointed on a district basis replaced by members appointed on a regional basis. The five at-large members of the CTB would be elected by the General Assembly (three by the House of Delegates and two by the Senate) instead of being appointed by the Governor.

Patron - Rollison

CHB1253 State highway systems; allocation of funds for highway construction, reconstruction, and maintenance. Replaces the state primary, secondary, and urban highway systems with statewide, regional, and local highway systems and revises the system of allocating state funding to those highway systems.

Patron - Rollison

CHB1276 Urban and secondary highway system construction allocations. Allocates urban system and secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled per lane-mile, and (iii) population, with area being weighted 15 percent, vehicle miles traveled per lane-mile weighted 25 percent, and population weighted 60 percent.

Patron - Rust

CHB1330 Commonwealth Transportation Board contracts. Requires that contracts of the Commonwealth Transportation Board or the Department of Transportation make contractors responsible for keeping the projects graffiti-free until they are turned over to the Commonwealth.

Patron - Bolvin

CSB204 Evaluation of highway construction impacts. Requires the Department of Transportation to evaluate the effectiveness and impact of all proposed highway projects estimated to cost \$100 million or more.

Patron - Houck

CSB320 High-occupancy vehicle (HOV) lanes. Prohibits the designation of HOV lanes on any portion of Interstate Route 264 in the City of Virginia Beach. The bill also repeals Chapter 914 of the Acts of Assembly of 1999, which prohibited HOV lane designations on several controlled access highways in southside Hampton Roads, but never became effective.

Patron - Stolle

CSB332 High-speed passenger rail transportation systems. Requires that no agency, instrumentality, or political subdivision of the Commonwealth construct, reconstruct, improve, or contribute to the improvement of tracks, signals, highway crossings, or passenger facilities of any kind intended to provide or facilitate the provision of any high-speed passenger rail transportation system unless the tracks over which such service is provided through a corridor that passes through, adjacent to, or within no more than 20 miles of localities whose combined population, based on the 2000 Census, equals at least 50 percent of the total population of the Commonwealth.

Patron - Wagner

CSB352 Fund to expedite construction of I-73 in Henry County. Establishes a special fund to expedite construction of I-73 in Henry County. The Fund consists of the first \$3 million of annual collections of state taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes or any other state revenue allocated for highway purposes.

Patron - Reynolds

CSB444 Commonwealth Transportation Board; selection of at-large members. Provides that the five at-large members of the Commonwealth Transportation Board (CTB) will be elected by the House of Delegates and the Senate, instead of being appointed by the Governor. Three at-large members (at least one "urban" at-large member and at least one "rural" at-large member) will be elected by the House of Delegates, and two (one "urban" at-large member and one "rural" at-large member) will be elected by the Senate. CTB members elected by the House or Delegates or the Senate would not be removable by the Governor. The bill does not apply to members appointed prior to July 1, 2002.

Patron - Williams

Homestead and Other Exemptions

Passed

PHB20 Poor debtor's exemption; funeral expenses. Allows an exemption, not to exceed \$5,000, for preneed funeral contracts. A plot in a burial ground is already exempt under the law.

Patron - Sherwood

Housing

Passed

PHB813 Department and Board of Housing and Community Development; affordable housing for older Virginians and Virginians with disabilities. Requires the Board of Housing and Community Development to advise the Governor and Housing and Community Development on the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services. The bill also requires the Department of Housing and Community Development to develop a strategy concerning the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services.

Patron - Almand

PHB835 Uniform Statewide Building Code; inspections. Allows local building officials to perform inspections of rental properties for specific property, but not more than once each calendar year upon a separate finding that such additional inspections are necessary to protect the public health, safety or welfare. If, however, an inspection has been conducted within the last 12-month period, no inspection shall occur upon the termination of a rental tenancy or upon a change in ownership. The provisions of this bill shall not in any way alter the rights and responsibilities of landlords or tenants pursuant to applica-

ble provisions of Chapters 13 (§§ 55-217 et seq.) or 13.2 (§§ 55-248.2 et seq.) of Title 55.

Patron - Thomas

PHB845 Housing authorities; eminent domain. Provides that notwithstanding the provisions of § 36-27, no housing authority transacting business and exercising powers as provided in § 36-4 in the City of Norfolk shall be authorized after July 1, 2007, to acquire by the exercise of the power of eminent domain, any real property located within the boundaries set forth in the Conservation and Redevelopment Plan for the East Ocean View Conservation and Redevelopment Project adopted July, 1989, as amended by Amendment No. 1 to such plan adopted September, 1992. The bill provides that this limitation shall not apply to any such real property for which an offer has been made by such housing authority or for which such authority has initiated condemnation proceedings prior to July 1, 2007.

Patron - Drake

PHB1023 Local housing authorities; powers. Authorizes local housing authorities to refinance loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings.

Patron - Scott

PHB1211 Uniform Statewide Building Code; rehabilitation of existing buildings; fire prevention. Replaces the standards of the Southern Building Code Congress and the Building Official Conference of America with the International Code Council for formulating building code provisions by the Board of Housing and Community Development. The bill also (i) declares the intent of the General Assembly to improve the condition of existing, commercial properties, (ii) expands persons to be trained in the building code to include contractors and other code enforcement personnel such as fire prevention persons, (iii) adds fire prevention to the subject areas of competency for which the HCD Board may issue certificates, (iv) increases the building permit fee levy for support of the Virginia Building Code Academy from one percent to two percent, (v) removes the \$500,000 "carry" cap for the training academy, and (vi) clarifies that the training done by the Building Code Academy may include fire prevention regulations. The bill also contains a technical amendment.

Patron - Van Landingham

PSB396 Virginia Housing Development Authority (VHDA); appointment of commissioners. Provides for the appointment by the Governor, subject to confirmation by the General Assembly, of an additional VHDA commissioner, who shall be a "Section 8" tenant.

Patron - Whipple

PSB525 Department of Housing and Community Development and Virginia Housing Development Authority; Consolidated Plan. Changes the name of the "Comprehensive Housing Affordability Strategy" to the "Consolidated Plan" and expands the plan to include community development goals, objectives and strategies.

Patron - Mims

Failed

FHB842 Uniform Statewide Building Code; expiration of permits. Provides that permits issued under the Uniform Statewide Building Code are valid for one year from the date of issuance. Under the bill, requests for extension of the permit must be received within 30 days after the expiration

date and be reviewed by the local building official prior to an extension being granted. No extension may be granted by the local building official after three years from the date of the original issuance of the permit.

Patron - Drake

FHB1187 Uniform Statewide Building Code; effect on local energy efficiency ordinances. Provides that the Uniform Statewide Building Code shall not supercede the building codes and regulations of counties, municipalities and other political subdivisions related to increased energy efficiency.

Patron - May

FSB311 Uniform Statewide Building Code; inspections. Allows local building officials to perform inspections of rental properties at intervals established by ordinance.

Patron - Edwards

Carried Over

CHB175 Uniform Statewide Building Code; use of "slag." Directs the Board of Housing and Community Development to adopt regulations prohibiting the use of slag as a fill material in construction. The bill defines "slag" as the nonmetallic byproduct from the production of iron ore.

Patron - Woodrum

CHB233 Redevelopment and housing authorities. Provides that no city after July 1, 2002, may appoint more than one member of city council, or other officer or employee of the city, as a commissioner of a redevelopment and housing authority.

Patron - Gear

CHB255 Uniform Statewide Building Code; separation distances between single-family homes. Requires the Board of Housing and Community Development to promulgate regulations by October 1, 2003, for establishment of performance-based standards for separation distances between single-family homes and property lines to promote and enhance public safety.

Patron - McQuigg

CHB1306 Virginia Housing Development Authority; regulations. Requires the Housing Development Authority to develop regulations providing that single-family mortgage loans may be made to more than one person only if the persons to whom the loan is to be made are related by blood, marriage or adoption.

Patron - McDougle

Institutions for the Mentally Ill; Mental Health Generally

Passed

PHB8 Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Requires the written reports of the Inspector General concerning facility inspections to be transmitted to the Governor for his review and comment, as deemed necessary, and deletes the requirement that, prior to release of the Inspector General's reports, the Inspector General must obtain assurances from the Attorney General that the reports do not violate confidentiality laws.

The Inspector General must, insofar as feasible, provide copies of the semiannual reports to the Governor in advance of the date for their submission to the General Assembly to provide a reasonable opportunity for comments of the Governor to be appended to the reports when submitted to the General Assembly. The Department of Mental Health, Mental Retardation and Substance Abuse Services must comment on any recommendations made by the Inspector General.

Patron - Hamilton

PHB658 Criminal background checks; substance abuse treatment professionals. Permits community services boards, behavioral health authorities and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for adult substance abuse treatment programs persons who were convicted of a broader list of crimes: a misdemeanor violation relating to (i) unlawful hazing as set out in § 18.2-56; or (ii) reckless handling of a firearm as set out in § 18.2-56.1; any misdemeanor or felony violation related to (a) reckless endangerment of others by throwing objects as set out in § 18.2-51.3; (b) threat as set out in § 18.2-60; (c) breaking and entering a dwelling house with intent to commit other misdemeanor as set out in § 18.2-92; or (d) possession of burglarious tools as set out in § 18.2-94; or any felony violation relating to the distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, except an offense pursuant to subsection H. 1. or H. 2. of § 18.2-248 (drug lord offenses); or an equivalent offense in another state. The hiring provider must determine, based upon a screening assessment, that the criminal behavior was related to the applicant's use of substances, and that the person has been successfully rehabilitated.

Patron - Devolites

PHB840 State facility directors. Amends the provision that required all state facility directors hired by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services after July 1, 1999, to be employed under a two-year contract, with provisions for annual renewals thereafter to allow facility directors to also be employed as classified employees. Further, any facility director hired under a contract shall remain subject to the provisions of the State Grievance Procedure.

Patron - Thomas

PHB888 Community services boards; services. Clarifies that the services that may be available through a community services board are to be provided to "adults, children and adolescents" rather than to "persons."

Patron - Hamilton

PHB995 Restructuring of mental health care system. Provides that for any restructuring of the system of mental health services involving an existing state mental health facility, the Commissioner must establish a state and community consensus and planning team. Each team must develop a plan that addresses (i) the types, amounts, and locations of new and expanded community services that would be needed; (ii) the development of a detailed implementation plan designed to build community mental health infrastructure for current and future capacity needs; (iii) the creation of new and enhanced community services; (iv) the transition of state facility patients to community services in the locality of their residence prior to institutionalization or the locality of their choice; (v) the resolution of issues relating to the restructuring implementation process, including employment issues involving state facility employee transition planning and appropriate transitional benefits; and (vi) a six-year projection comparing the cost of the current structure and the proposed structure. In addition, the bill requires the Commissioner to ensure that each plan

includes the following components: (a) a plan for community education; (b) a plan for the implementation of required community services, including state-of-the-art practice models and any models required to meet the unique characteristics of the area to be served, which may include models for rural areas; (c) a plan for assuring the availability of adequate staff in the affected communities, including specific strategies for transferring qualified state-facility employees to community services; (d) a plan for assuring the development, funding, and implementation of individualized discharge plans for individuals discharged; and (e) a provision for suspending implementation of the plan if the total general funds appropriated to the Department for state facility and community services decrease in any year of plan implementation by more than 10 percent from the year in which the plan was approved by the General Assembly. Further, the bill states that at least nine months prior to any proposed facility closure or conversion to any use other than the provision of mental health services, the state and community consensus and planning team must submit a plan to the Joint Commission on Health Care and the Governor for review and recommendation. The Joint Commission on Health Care will then make a recommendation to the General Assembly. Upon approval by the General Assembly and the Governor of such recommendation, the Commissioner may implement the proposed facility closure or conversion of the facility to any use other than the provision of mental health service. Any funds saved by the closure or conversion of the facility to any use other than the provision of mental health services, and not allocated to individualized services plans for patients being transferred or discharged as a result of the closure or conversion, will be invested in the Mental Health Trust Fund. Further, concurrent with the development of any required plan for restructuring Eastern State Hospital, the Commissioner, in consultation with the Chancellor of the Community College System, the President of Thomas Nelson Community College, and the President of the College of William and Mary or their designees, and with the advice of the state and community consensus and planning team, must assess the impact and feasibility of using a portion of the property now occupied by Eastern State Hospital located in James City County for the placement of a new campus of Thomas Nelson Community College and the development of a Center for Excellence in Aging and Geriatric Health. The Commissioner is authorized, upon completion of the feasibility study and a plan, and, with the consent of the Governor, to transfer to Thomas Nelson Community College a portion of the Eastern State Hospital property known as the Hancock Geriatric Treatment Center. This transfer will be subject to the following conditions: (i) the college operating a school of allied health professions and (ii) funds equal to the assessed value of the property being deposited in the Mental Health, Mental Retardation and Substance Abuse Services Trust Fund.

Patron - McDonnell

PHB1213 Guardianship and conservatorship; costs and fees. Authorizes the court to provide for payment from the respondent's estate for costs and fees incurred by petitioners even if a guardian or conservator is not appointed if the court finds that the petition is brought in good faith and for the benefit of the respondent.

Patron - Thomas

PHB1228 Discharge of patients and residents from state facilities. Requires directors of training centers for persons with mental retardation to prepare a predischarge plan for residents in conjunction with the community services board that serves the political subdivision where the resident resided prior to admission or by the board that serves the political subdivision where the resident or legally authorized representative chooses to reside if the resident or his legally authorized repre-

sentative on his behalf chooses to be discharged. The bill states that no resident of a training center who is enrolled in Medicaid will be discharged if the resident or his legally authorized representative on his behalf chooses to continue in the training center. Legally authorized representatives will make this decision if the resident lacks the mental capacity to do so. Finally, the bill requires that predischarge plans for all individuals discharged to an assisted living facility from state hospitals or training centers must identify the facility, document its appropriateness for housing and capacity to care for the individual, contain evidence of the facility's agreement to admit and care for the individual, and describe how the community services board will monitor the individual's care in the facility. The bill also contains technical changes.

Patron - Thomas

PSB400 Mental Health; board membership. Adds a practicing psychiatrist to the State Board of Mental Health, Mental Retardation and Substance Abuse Services.

Patron - Martin

PSB413 Community services boards; services. Clarifies that the services that may be available through a community services board are to be provided to "adults, children and adolescents" rather than to "persons."

Patron - Rerras

PSB661 Discharge of patients and residents from state facilities. Clarifies that directors of training centers for persons with mental retardation must prepare a predischarge plan for residents in conjunction with the community services board that serves the political subdivision where the resident resided prior to admission or by the board that serves the political subdivision where the resident or legally authorized representative (if the resident lacks the mental capacity to do so) chooses to reside if the resident or his legally authorized representative on his behalf chooses to be discharged. The bill states that no resident of a training center who is enrolled in Medicaid shall be discharged if the resident or his legally authorized representative on his behalf chooses to continue in the training center. Finally, the bill requires that predischarge plans for all individuals discharged to an assisted living facility from state hospitals or training centers shall identify the facility, document its appropriateness for housing and capacity to care for the individual, contain evidence of the facility's agreement to admit and care for the individual, and describe how the community services board will monitor the individual's care in the facility. The bill also contains technical changes.

Patron - Hawkins

Failed

FHB1007 Guardians, conservators and attorneys-in-fact. Permits the court during a proceeding to terminate a guardianship, conservatorship or power-of-attorney to order the adult protective services unit of the local department of social services to determine whether the incapacitated person or principal is abused, neglected or exploited.

Patron - McDonnell

FHJ119 Collection and dissemination of information on effective treatment for children. Directs the Virginia Commission on Youth to coordinate the collection and dissemination of empirically-based information that would identify the treatment modalities and practices recognized as effective for the treatment of children, including juvenile offenders, with mental health treatment needs, symptoms and disorders. This initiative is a recommendation of the Virginia Commission on Youth's Study of Children and Youth with Serious Emotional

Disturbance Requiring Out-of-Home Placement (HJR 119, 2000) and the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution incorporates HJR 165.

Patron - Tata

FHJ165 Collection and dissemination of information on effective treatment for children. Directs the Virginia Commission on Youth to coordinate the collection and dissemination of empirically-based information that would identify the treatment modalities and practices recognized as effective for the treatment of children, including juvenile offenders, with mental health treatment needs, symptoms and disorders. This initiative is a recommendation of the Virginia Commission on Youth's Study of Children and Youth with Serious Emotional Disturbance Requiring Out-of-Home Placement (HJR 119, 2000) and the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into HJR 119.

Patron - Darner

FSB336 Involuntary commitment hearings; written transcript of proceedings. Requires the judge to provide for the recording and transcription of the evidence in an involuntary commitment hearing by a court reporter. The court reporter's transcription shall include the original or copies of all documents, reports or other evidence presented. Currently, the law provides for only a tape or other audio recording of such hearings.

Patron - Wagner

Carried Over

CHB678 Involuntary temporary detention; medical screenings. Requires that each order for involuntary temporary detention of a person (i) include a medical certificate signed by a psychiatrist or physician within the previous 72 hours documenting that a medical examination was performed and the results thereof, including any significant or life-threatening medical conditions that require immediate treatment, or (ii) require that the person receive an emergency medical evaluation by a psychiatrist or physician within four hours and, as may be necessary, receive treatment of any significant or life-threatening medical conditions that require immediate treatment. The bill permits a magistrate to issue an order of temporary detention without a prior in-person evaluation only if (a) the person was examined within the previous 72 hours by both an employee or designee of the local community services board (CSB) and by a psychiatrist or physician or (b) there is a significant risk associated with conducting such examinations. The facility of temporary detention shall be identified by the employee or designee of the local CSB on the prescreening report and temporary detention order unless the results of the emergency medical evaluation performed within four hours of temporary detention require admission to a medical facility prior to placement.

Patron - Watts

Insurance

Passed

PHB140 Insurance fraud; delegation of related duties to the Department of State Police. Eliminates the sunset provision on the act that created an Insurance Fraud Investigation Unit within the Department of State Police's Bureau of

Criminal Investigation. The Unit conducts independent inquiries and investigations into fraudulent acts involving property and casualty insurance transactions. The Unit's activities are funded by premium assessments on all property and casualty insurance companies writing policies in the Commonwealth.

Patron - Abbitt

PHB199 Change of insurance agent of record. Requires insurers to accept and honor a request by a policyholder to change the insurance agent of record to a new agent, who must be a duly appointed agent of the insurer. The change is effective on the date of the next renewal of the policy, unless the request is withdrawn. The new agent shall be paid all commissions payable on the policy, excluding commissions or other compensation payable under a retirement or deferred compensation plan with the insurance agent. This provision applies only to limited lines property and casualty agents, property and casualty insurance agents, personal lines agents, restricted nonresident property and casualty agents, and restricted nonresident personal lines agents. It does not apply to insurers that permit insureds to change the insurance agent of record under terms that are at least as favorable as provided by this measure, and equitably allocate commissions between the current and new insurance agents. The measure will be effective September 1, 2002.

Patron - Callahan

PHB414 Insurance; medical savings accounts. Revises the Virginia Medical Savings Account Program by deleting references to the Workers' Compensation Commission and the Department of Medical Assistance Services. The plan would now be developed and implemented by the Department of Taxation and the Bureau of Insurance. The Department of Taxation is to report to the Joint Commission on Health Care by November 1, 2002. This is a recommendation of the Joint Commission on Health Care.

Patron - Hamilton

PHB580 Motor vehicle insurance; notice of claim settlement. Requires motor vehicle insurers to advise the named insured on a policy, upon request, of any settlement of a claim made by a person other than the named insured that arose in connection with a motor vehicle accident involving a covered automobile.

Patron - Welch

PHB662 Health insurance; reconstructive breast surgery. Amends the statute mandating reconstructive breast surgery coincident with or after a mastectomy for breast cancer to render Virginia's law consistent with the federal Women's Health and Cancer Rights Act of 1998, which was incorporated into Title I of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg, et seq.). An existing provision that limits the mandate to policies, contracts or plans delivered, issued for delivery or renewed on or after July 1, 1998, is removed, and the mandate will apply to surgeries performed on or after October 21, 1998, which is the effective date of the federal law. An enactment clause provides that the amendments do not adversely affect the rights of any covered person that existed under the mandate as it previously existed. The measure also (i) provides that reconstructive breast surgery includes coverage for prostheses and physical complications, (ii) requires written notice of the coverage be provided to the enrollee, and (iii) prohibits denial of eligibility for coverage solely for the purpose of avoiding the requirements of the mandate.

Patron - May

PHB704 Fire Services Grant Program; expenditure of funds. Provides that moneys allocated from the Fire Pro-

grams Fund to the Fire Services Grant Program and the Dry Hydrant Grant Program shall be used as grants to provide regional fire services training facilities, to finance the Virginia Fire Incident Reporting System and to build or repair burn buildings, and for no other purpose.

Patron - Armstrong

PHB1125 Long-term care insurance. Requires the State Corporation Commission to issue amended regulations that provide standards for initial filing requirements and premium rate schedule increases for long-term care insurance. Such standards shall be similar to standards set forth in model regulations developed by the National Association of Insurance Commission. The regulations shall be effective no later than April 1, 2003.

Patron - Bryant

PHB1195 Insurance agents; termination of license and contracts. Requires that any appeal by insurance agents whose licenses are terminated for failure to comply with continuing education requirements be filed within 60 days of notification of the termination. The measure also provides that an agent who has not complied with the continuing education requirements and who voluntarily surrendered his license prior to the expiration of the appeal period shall not be permitted to apply for another such license until he has complied with the continuing education requirements. Finally, the measure extends the confidential treatment required of documents acquired by the State Corporation Commission in connection with investigations of insurance agents.

Patron - Hargrove

PHB1294 Life insurance; accelerated payment of benefits. Allows insurers who issue life insurance policies to provide for the accelerated payment of benefits to the insured during the life of the insured (i) if the insured is unable to perform two major activities of daily living, or (ii) if the insured requires substantial supervision by another person to protect the health and safety of the insured or any other person. The measure does not apply to credit life insurance policies.

Patron - Rollison

PHB1307 Discrimination on the basis of genetic information. Prohibits employers from (i) requiring a genetic test as a condition of employment and (ii) refusing to hire, failing to promote, discharging or otherwise adversely affecting any term or condition of employment, other than a long-term care, life or disability insurance policy, an employee or prospective employee solely on the basis of the results of a genetic characteristic or genetic test. Violators are subject to actual or punitive damages, including back pay with interest, or injunctive relief. This bill is identical to SB 102.

Patron - Watts

PSB151 Uninsured motorist coverage; rates and refunds. Eliminates the requirement that the State Corporation Commission grant prior approval of uninsured motorist rates. Instead, insurers will be authorized to use the "file and use" procedure. The bill also changes the distribution of refunds from the Uninsured Motorists Fund, basing the distribution in the proportion that each reporting insurer's written car years bear to the total number of written car years by all participating insurers in Virginia. Currently, refunds are distributed in the proportion that each insurer's premium income bears to the total premium income for basic uninsured motorists coverage.

Patron - Norment

PSB154 Insurance rates; large commercial risks. Includes the premiums paid for professional liability and workers' compensation insurance in calculations of the amount a

person or entity pays in annual aggregate nationwide insurance premiums. Payment of annual aggregate nationwide insurance premiums in excess of \$100,000 is one criterion for determining whether a person or entity is a large commercial risk. Insurers are not required to file or obtain approval for insurance policies and rates used in the insurance of large commercial risks.

Patron - Norment

PSB182 Insurance; countersignature requirement prohibited. Prohibits the inclusion in an insurance policy of a provision that deems the policy to be invalid if it is not signed or countersigned by an insurance agent or company representative.

Patron - Colgan

PSB183 Health insurance; external review of adverse decisions. Authorizes a designee of the Commissioner of Insurance to act on his behalf in exercising certain powers pertaining to the Bureau of Insurance's conduct of independent external reviews of adverse utilization review decisions.

Patron - Colgan

PSB187 Credit life and credit accident and sickness insurance. Recognizes the 1980 Standard Ordinary Mortality Table as an acceptable basis for the establishment of reserves for credit life insurance policies. The actuarial method is established as the minimum standard for calculating the gross unearned premium reserve for credit accident and sickness insurance policies. Insurers are authorized to use a flexible valuation interest rate schedule. Refund formulas for credit accident and sickness insurance policies are required to be at least as favorable to the debtor as such refunds would be if based on the actuarial method. Other changes confirm that use of the Rule of 78 is not appropriate in determining reserves and refunds.

Patron - Stosch

PSB188 Insurance; investments. Increases the amount of assets a domestic insurer can invest in cash, cash equivalents, and certain short-term investments of one depository, obligor or issuer from five percent to 10 percent of its total admitted assets. The restriction that investments per obligor or per issuer do not exceed 20 percent of the insurer's surplus to policyholders is unchanged.

Patron - Stosch

PSB199 Insurance regulation. Simplifies and clarifies the responsibilities of burial societies regarding surety bonds, and authorizes the State Corporation Commission to require certification of compliance with these bonding requirements. Other housekeeping amendments (i) make the requirement that foreign or alien fraternal benefit societies file copies of amendments to charters and bylaws optional at the Commission's request; (ii) correct reference to the Investment Company Act of 1940; (iii) delete an obsolete reference to an earnings test; and (iv) simplify filing requirements by allowing attestations to be made by an executive officer rather than by the chief executive officer.

Patron - Miller, Y.B.

PSB240 Insurance transactions; privacy. Requires a depository institution selling insurance to provide purchasers with a statement that the insurance policy is not a deposit, is not FDIC insured, is not guaranteed by the bank, and involves investment risk, where appropriate. Currently, the requirement applies only where the insurance is sold in connection with the lending of money or extension of credit. The measure also clarifies that the simplified notice of the insurer's privacy policy must be sent both at issuance of the policy and annually there-

after. The provision regarding giving annual notices is amended to be consistent with the Gramm-Leach-Bliley Act. Finally, duplicative language is deleted.

Patron - Wampler

PSB289 Health maintenance organizations; reinsurance. Authorizes health maintenance organizations to engage in reinsurance transactions, provided that significant transactions are subject to approval by the State Corporation Commission.

Patron - Norment

PSB438 Insurance agents; business entities. Eliminates the requirement that the articles of incorporation or other organizational document of a business entity specify that the entity is authorized to act as an insurance agent. The measure also clarifies requirements for nonresident business entities to act as an agent in the Commonwealth.

Patron - Williams

PSB670 Workers' compensation insurance; review of rates. Authorizes the Attorney General to conduct investigations of possible violations of statutory requirements regarding the experience data of members of rate service organizations.

Patron - Wampler

PSB678 Motor vehicle insurance; installment payments. Requires every insurer issuing and renewing a policy of motor vehicle insurance that permits payments in installments to disclose in boldface type each installment amount and due date upon issuance or renewal. If the insurer changes the due dates, the insurer must issue a separate disclosure.

Patron - Watkins

PSB689 Birth-Related Neurological Injury Compensation Program; investment reports. Requires the board of directors of the Birth-Related Neurological Injury Compensation Program to report annually on the investment of the assets of the Birth-Related Neurological Injury Compensation Fund to the Clerk of the House of Delegates and the Clerk of the Senate. Currently, such reports are made only to the Speaker of the House of Delegates and to the Chairman of the Senate Rules Committee.

Patron - Trumbo

Failed

FHB84 Accident and sickness insurance; coverage for polypeptide-based or amino acid-based formulas. Requires health insurers, health care subscription plans and health maintenance organizations to provide coverage for the expense of polypeptide-based or amino acid-based formulas whose protein source has been extensively or completely hydrolyzed. This benefit is to be available if the formula is required to treat either a diagnosed inborn error of amino acid or organic acid metabolism or a diagnosed disease or disorder of the gastrointestinal tract that leads to malnutrition or malabsorption due to inflammation, protein sensitivity, or inborn errors of digestion, and is the primary source of nutrition as certified by the treating physician by diagnosis.

Patron - Orrock

FHB139 Insurance fraud; delegation of related duties to the Department of State Police. Eliminates the sunset provision on the act that created an Insurance Fraud Investigation Unit within the Department of State Police's Bureau of Criminal Investigation to initiate independent inquiries and conduct independent investigations into fraudulent acts involving property and casualty insurance transactions. The act pro-

vides that such activity will be funded by premium assessments on all property and casualty insurance companies writing policies in the Commonwealth. The provisions of this bill became effective on January 1, 1999, and are scheduled to expire on January 1, 2003.

Patron - Abbitt

FHB383 Accident and sickness insurance; coverage for lymphedema. Requires health insurers, health care subscription plans and health maintenance organizations to provide coverage for equipment, supplies, complex decongestive therapy, and outpatient self-management training and education for the treatment of lymphedema.

Patron - Wardrup

FHB422 Health insurance; reimbursement to dietitians and nutritionists. Prohibits health insurers and health service plan providers from denying reimbursement for covered services of a dietitian or nutritionist when the services are provided in connection with care for diabetes. Dietitians and nutritionists are authorized to provide in-person outpatient self-management training and education for diabetes.

Patron - McQuigg

FHB442 Motor vehicle insurance; information cards. Requires insurers issuing motor vehicle insurance policies to provide the named insured with an information card that includes information about the insurer, the insured, the period of coverage, and the policy number.

Patron - Hull

FHB476 Motor vehicle insurance; exclusion of named unlicensed persons. Allows a named insured to exclude from his motor vehicle insurance policy a person, who would otherwise be covered under the policy, if the excluded person is unlicensed or his driving privileges are cancelled, revoked or suspended throughout the term of the policy. The exclusion may be made only with the permission of the named insured and the person to be excluded.

Patron - Suit

FHB553 Health insurance; assignment of benefits; chiropractors and physical therapists. Prohibits any health insurance plan from refusing to accept or make reimbursements pursuant to an assignment of benefits made to a chiropractor or physical therapist by an insured, subscriber or plan enrollee. Such a prohibition currently exists for assignments of benefits made to a dentist or oral surgeon.

Patron - Sears

FHB624 Third party administrators; penalties. Regulates the business of administrators of certain insured or self-insured employee health benefits plans. Administrators are required to be licensed by the State Corporation Commission, post a surety bond, and pay an annual fee. Agreements between an administrator and the principal sponsoring the benefits plan must be in writing and set forth the underwriting standards under the plan. Premiums and contributions held by an administrator must be held in fiduciary accounts. Administrators are prohibited from engaging in certain practices, including misrepresenting facts relating to coverage, failing to act reasonably and promptly upon communications with respect to a claim for benefits, and failing to adopt reasonable standards for the prompt investigation of a claim for benefits. Administrators may not be compensated based on the plan's loss experience. Violators are subject to fines of up to \$2,500. Acting as an administrator without obtaining a license is punishable as a Class 1 misdemeanor.

Patron - Morgan

FHB960 Insurance; Fire Programs Fund. Increases from one to three percent, the amount of the annual assessment against all licensed insurance companies doing business in Virginia for the Fire Programs Fund. The bill provides that this increased assessment shall only be effective for five years. The bill also (i) provides that the Fund shall be used to provide staffing to meet national standards for homeland defense, (ii) increases from \$10,000 to \$30,000 the minimum amount an eligible city or county may receive from the Fund, (iii) increases from \$4,000 to \$12,000 the minimum amount an eligible town may receive from the Fund, and (iv) requires that certain moneys from the Fund be used for a state fire academy, replacement of unsafe fire trucks, and administrative support services for nonfunded training to localities, to include an emergency vehicle operator's course and the development of a mandatory firefighters training curriculum. The bill also contains a technical amendment.

Patron - Almand

FHB1010 Health insurance coverage; reconstructive breast surgery. Includes the deep inferior epigastric artery and vein, or DIEP, procedure in the definition of reconstructive breast surgery for purposes of mandated benefit coverage.

Patron - Van Yahres

FHB1126 Insurance policies; creditors claims. Exempts the cash surrender or loan value of any life insurance policy or annuity contract from the claims of creditors without regard to whether the owner of the policy has the right to change the beneficiary. The exemption from claims of creditors is inapplicable to any portion of the cash surrender or loan value in excess of \$100,000 that accumulated during the 24 months preceding the person's insolvency or bankruptcy. A creditor named as a beneficiary of a policy or contract is entitled only to the cash or loan value to the extent that will satisfy the indebtedness. The measure also repeals an existing provision that protects the cash surrender or loan value of a policy from creditors' claims only if the insured cannot change the beneficiary.

Patron - Bryant

FHB1348 Accident and sickness insurance; coverage for alpha-1 antitrypsin deficiency. Requires health insurers, health care subscription plans and health maintenance organizations to provide coverage for the treatment of alpha-1 antitrypsin deficiency. Alpha-1 antitrypsin is a protein that protects the lungs.

Patron - Reid

FSB272 Insurance; use of credit history. Prohibits insurers and agents from setting rates or making policy issuance and renewal decisions for motor vehicle insurance, homeowners insurance, and renters insurance on the basis of a person's credit history, lack of credit history, or credit score.

Patron - Puckett

FSB302 Uninsured motorist insurance coverage. Requires insurers providing uninsured motorist coverage to offer increased uninsured motorist coverage, up to a maximum of twice the limits of the liability coverage in the policy.

Patron - Deeds

FSB335 Medical malpractice insurance; policy exclusions. Prohibits medical malpractice insurance policies from excluding or limiting coverage for liability arising from the rendering of professional services solely on the basis that such services are rendered at a correctional facility or to persons incarcerated in a correctional facility.

Patron - Wagner

FSB401 Health care coverage; hearing aids. Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services. Such coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,200, every 48 months. The insured may choose a higher priced hearing aid and pay the difference in cost above \$1,200, with no penalty to the insured or the hearing aid provider. The mandate does not apply to individual or small group policies, and does not cover aids for impaired ears that do not indicate a hearing loss of 30 dB or greater for at least one frequency between 500 Hz and 4,000 Hz. Insurers are prohibited from charging a copayment or fee exceeding \$100 per hearing aid.

Patron - Houck

FSB466 Health insurance; coverage for chiropractic care. Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for chiropractic care. Chiropractic care is defined as the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines.

Patron - Puller

FSB487 Health maintenance organizations; powers. Permits a health maintenance organization to offer to its subscribers deductibles, copayments, and cost-sharing provisions provided they comply with applicable state law.

Patron - Newman

FSB619 Health insurance; exclusion for preventive treatments; genetic predisposition. Prohibits health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations from excluding coverage for services to prevent, eliminate or reduce the likelihood of the development of an illness, disease or condition solely on grounds that signs or symptoms of the illness, disease or condition have not yet presented. The coverage shall be provided if the insured's treating physician has determined that the person has a genetic factor or family history indicating a predisposition to such illness, disease or condition and that the risks to the covered person resulting from such predisposition render such services medically appropriate.

Patron - Deeds

FSB690 Property and Casualty Insurance Guaranty Association; payment of claims. Provides that the Property and Casualty Insurance Guaranty Association shall pay to a claimant the full amount of a covered claim for benefits arising out of a policy providing coverage to the Virginia Commonwealth University Health System Authority, the Eastern Virginia Medical School or the University of Virginia Medical Center. These medical schools are also excluded from the provision that makes entities with one-half million dollars in net worth ineligible to recover funds from the Association. The bill is effective retroactive to September 1, 2001, and has an emergency clause.

Patron - Wagner

Carried Over

CHB194 Health insurance credit; retired teachers. Increases the health insurance credit for retired teachers from \$2.50 to four dollars per month for teachers for each full year of creditable service, not to exceed a maximum monthly credit

of \$120 for teachers with 30 or more years of creditable service.

Patron - Morgan

CHB622 Insurance; fair carrier business practices. Requires carriers to pay, within 10 days of receipt, any "clean" claim pertaining to prescription drug benefits that is submitted electronically by a pharmacist and that includes all information and documentation that are customarily required by the carrier to process and pay claims of the type submitted. Currently, carriers are required to pay claims within 40 days of receipt of the claim. If such a claim is submitted electronically by a pharmacist, the carrier shall, within five days after receipt of such material, request any additional information and documentation that the carrier reasonably requires to process and pay the claim or to determine if the claim is a clean claim. Currently, a carrier's post-submission requests for such information and documentation must be made within 30 days after receipt of the claim.

Patron - Morgan

CHB623 Pharmacy provider panels. Prohibits health insurers and other carriers from requiring a pharmacist to participate in any other provider panel as a condition of the pharmacist's participation on a specific provider panel. Carriers are also prohibited from conditioning their consent to allowing a pharmacist to participate in a preferred provider organization or other preferred provider network arrangement upon the pharmacist's agreeing to enter into contracts or arrangements with the carrier that are not part of the preferred provider organization or network organization. A carrier also shall not contract with an unaffiliated carrier to include such pharmacist on the provider panel of the unaffiliated carrier.

Patron - Morgan

CHB902 Bureau of Insurance; Catastrophic Event Reinsurance Fund. Establishes the Catastrophic Event Reinsurance Fund to be administered by the Bureau of Insurance. The bill defines catastrophic event as either (i) a man-made disaster including any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage of property or injury to persons in the United States and may be by use of bombs, missiles, shell fire, nuclear, radiological, chemical or biological means or other weapons or by overt paramilitary actions; terrorism, foreign and domestic, or (ii) a natural disaster including any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life. The Fund will include moneys received from premiums paid by subscribing insurance companies. The Bureau is directed to establish guidelines for administration of the Fund.

Patron - Purkey

CHB1131 Health maintenance organizations (HMO); powers. Permits a health maintenance organization to offer to its subscribers deductibles, copayments, and cost-sharing provisions provided they comply with applicable state law.

Patron - Bryant

CSB293 Health maintenance organizations; dental care; net worth. Revises the minimum net worth requirement for any health maintenance organization that provides only dental care services. Such HMOs shall be required to have a net worth at least equal to the greater of (i) the lesser of \$4 million or two percent of their annual gross premium income or (ii) \$600,000. Currently, all HMOs must have a minimum net worth equal to the sum of their uncovered expenses, but not less than \$600,000, up to a maximum of \$4 million.

Patron - Norment

CSB526 Title insurance; definitions and requirement of title search. Includes products known as "mortgage impairment" in the definition of "title insurance." The bill also requires the performance of a title search before any binder, commitment or preliminary report, or policy or contract of title insurance, is issued.

Patron - Mims

Labor and Employment

Passed

PHB186 Wages; time of payment for highly compensated employees. Permits employers to pay monthly any hourly employee who earns more than 150 percent of the average weekly wage of the Commonwealth, with the agreement of the affected employee.

Patron - Parrish

PHB668 Civil immunity; employees reporting threats. Immunizes an employee from civil liability that might result from his truthfully reporting a co-employee's threatening conduct. Threatening conduct is defined as conduct that would place a person in reasonable apprehension of death or bodily injury.

Patron - Cox

PHB814 Labor unions; abstention requirement. Prohibits employers from requiring a person to abstain or refrain from holding office in a labor union or labor organization as a condition of gaining or continuing employment.

Patron - Almand

PSB102 Discrimination on the basis of genetic information. Prohibits employers from (i) requiring a genetic test as a condition of employment and (ii) refusing to hire, failing to promote, discharging or otherwise adversely affecting any term or condition of employment, other than a long-term care, life or disability insurance policy, an employee or prospective employee solely on the basis of the results of a genetic characteristic or genetic test. Violators are subject to actual or punitive damages, including back pay with interest, or injunctive relief. This bill is identical to HB 1307.

Patron - Howell

Failed

FHB145 Labor and employment; governmental employee associations. Permits employees of the Commonwealth, its political subdivisions, or any governmental agency of any of them, to form associations for the purpose of discussing their interests with their employing agencies whenever such agencies agree to engage in such discussions. Current law permits these governmental employees to form such associations for the purpose of promoting their interests before their employing agencies.

Patron - Darner

FHB867 Employment; leave for volunteer fire and rescue service. Requires employers to allow employees unpaid leave to serve with a volunteer fire department or rescue squad, if the unit has been recognized by an ordinance or resolution of the political subdivision where the volunteer fire department or rescue squad is located as being a part of the safety program of

such political subdivision. Employers are required to develop personnel policies allowing for the use of the leave.

Patron - Phillips

Carried Over

CHB581 Genetic characteristics; discrimination. Declares it to be the policy of the Commonwealth to safeguard individuals from unlawful discrimination based on genetic characteristic. Conduct that violates Virginia or federal law governing discrimination on the basis of a genetic characteristic is defined to be an unlawful discriminatory practice. Contracting agencies entering into procurement contracts with the Commonwealth are required to agree that they will not discriminate against employees or applicants on the basis of a genetic characteristic that is not a bona fide occupational qualification reasonably necessary to perform the normal operation of the contractor.

Patron - Welch

Libraries

Passed

PHB282 Library boards. Excludes Shenandoah County from the requirement that management and control of its public library system be vested in a library board. The exclusion currently exists for any town or city with a manager, and the Counties of Henrico, Albemarle, Prince William, Arlington, Fairfax and Chesterfield.

Patron - Louderback

Carried Over

CHB514 Library systems that access the Internet as a nonpublic forum. Declares that any public-owned system that accesses the Internet is a nonpublic forum and affords library boards and governing bodies authority to take the steps necessary to limit library access to the Internet.

Patron - Marrs

CHB602 Children's Internet Protection; public libraries. Requires the library board or governing body of a library to select a technology for its computers that are accessible to children and have Internet access to filter or block Internet access through such computers to child pornography, obscenity and materials deemed harmful to juveniles as defined in Title 18.2. This bill requires the library board or governing body to certify compliance with these provisions to the Librarian of Virginia along with the filing of the acceptable use policy, which is already required.

Patron - Black

Mechanics' and Certain Other Liens

Passed

PHB490 Liens; enforcement of storage liens. Increases from \$3,000 to \$5,000 the value of certain personal property affected by a storage lien. As a result, the lien may be

enforced against any personal property stored with a value that does not exceed \$5,000.

Patron - Reid

PHB854 Lien for work done or materials furnished. Includes within the \$50 floor amount necessary to file and perfect a lien for materials furnished or work done the amount of the reasonable rental or use value of equipment.

Patron - Albo

PHB855 Liens for materials or labor. Provides for a second notice of actual amount due to be given to a general contractor or subcontractor in order for the general contractor or subcontractor to be personally liable for the actual amount due for the materials or labor.

Patron - Albo

Military and Emergency Laws

Passed

PHB536 Employees of localities on military leave. Provides that any local government may pay an employee when activated for federally funded military duty all or any portion of the difference between his regular pay and the military pay received during all or any part of the term of active federally funded duty.

Patron - Devolites

PHB1372 Active duty National Guard, militia, etc. Guarantees a member of the Virginia National Guard, Virginia State Defense Force or naval militia called to active state duty by the Governor the right to take leave without pay from his civilian employment. The bill also guarantees that, after his service, if the employee is still qualified for his previous employment, he shall be immediately restored to his previous position or to a position of like seniority, status and salary, unless the employer's circumstances now make the restoration unreasonable and that if the employee is no longer qualified for his previous position, he shall be placed in another position, for which he is qualified, and that will give him appropriate seniority, status and salary, unless the employer's circumstances now make the placement unreasonable.

Patron - Weatherholtz

Failed

FHB462 Camp Pendleton Fund. Creates the Camp Pendleton Fund from all moneys paid by the City of Virginia Beach for the lease of property at Camp Pendleton along General Booth Boulevard for use as a parking lot. All amounts in the Fund shall be used solely for facilities and activities at Camp Pendleton.

Patron - Suit

FHB1044 Unauthorized waste or oil discharges; notification requirements. Requires a person who without authorization discharges sewage, waste or any noxious or deleterious substance into state waters, or with a reasonable expectation of entering state waters, to notify the emergency services director or coordinator of the affected locality within 24 hours of the discharge. Under current law, the person can notify either the Director of the Department of Environmental Quality or the local emergency services coordinator. The bill changes current law to subject certain underground storage tanks to statutory discharge notification requirements from which they

were previously excluded. This bill also requires the local emergency services director or his designee to notify in writing all local neighborhood or civic associations whose members' property could reasonably be foreseen to be affected by certain unauthorized waste or oil discharges. The local emergency services director shall keep such associations informed until such time as the site has been remediated or the State Water Control Board determines that no further action is needed.

Patron - Darner

Carried Over

CHB800 Department of Emergency Management; Office of Preparedness and Coordination. Creates, within the Department of Emergency Management, an Office of Preparedness and Coordination (the "Office"). The Office shall be responsible for coordinating with local governments and private industry to ensure the Commonwealth has the most up-to-date preparedness plans to respond to and prevent acts of terrorism. The bill defines "private industry."

Patron - Bolvin

Mines and Mining

Passed

PHB881 Location of drilling gas and oil wells. Allows an interstate park commission, if it is the surface owner, to raise objections to gas and oil well permits. However, the location of the well or pipeline must unreasonably infringe on the park's use of the surface, a reasonable alternative site must be available within the drilling unit, and granting the objection must not materially impair any right contained in an agreement between the park and the operator.

Patron - Phillips

Failed

FSB639 Coalbed methane; miner safety. Requires the Department of Mines, Minerals and Energy to review the minimum distance limitations of coalbed methane wells to ensure (i) the safety of persons engaged in coal mining and gas production and (ii) the minimal adverse effect on existing or planned coal mining operations.

Patron - Wampler

Motor Vehicles

Passed

PHB4 High-occupancy vehicle (HOV) lanes. Authorizes the lifting of HOV limitations by the Virginia Department of Transportation on HOV facilities in the Hampton Roads Planning District when restricting use of HOV facilities becomes impossible or undesirable. The bill also repeals Chapter 914 of the Acts of Assembly of 1999, which prohibited HOV lane designations on several controlled access highways in southside Hampton Roads, but never became effective.

Patron - Wardrup

PHB35 Special license plates. Repeals authorization for issuance of special license plates as to which insufficient applications have been received within the time (three years;

see subdivision 1 of subsection B of § 46.2-725) provided by law. The affected plates are those for participants in Operation Desert Shield/Desert Storm; those for Virginia Scuba divers, law-enforcement officers, persons once declared missing in action, employees of the Virginia Department of Transportation, returned Peace Corps volunteers; those celebrating the 250th anniversary of the County of Culpeper; those bearing the legends: GLOUCESTER COUNTY, WILDLIFE FOUNDATION OF VIRGINIA, VIRGINIA WILDLIFE FEDERATION, and HISTORIC YORKTOWN; those for members of the Loyal Order of Moose, the American Radio Relay League, the National Speleological Society, the Disabled American Veterans organization, the Gold Wing Road Riders Association, the Old Dominion Boat Club, the State Fire Chiefs Association of Virginia, and the Virginia State Firefighters Association; and those for supporters of the American Automobile Association, Great Meadow, the Richmond Braves, the Salem Avalanche, the Norfolk Tides, the Prince William Cannons, the Pulaski Rangers, the Lynchburg Hillcats, the Martinsville Phillies, the Danville Braves, the Bristol Tigers, D.A.R.E., Inc., parental involvement in local public school programs, Operation Smile, the Virginia Education Foundation, the Virginia's Western Highlands Travel Council, and the Washington D.C. United Soccer team.

Patron - Landes

PHB51 Deletion of obsolete cross-references. Strikes references to special magistrates and other obsolete Code sections. This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151.

Patron - Landes

PHB82 Four-for-life. Increases, effective July 1, 2002, from two dollars per year (two-for-life) to four dollars per year (four-for-life) the motor vehicle registration surcharge used to support emergency medical services. From July 1, 2002, through June 30, 2004, the additional two dollars per year will be used for emergency medical services, first responders, and public safety purposes, with the existing two dollars per year continuing to be used to support emergency medical services. On and after July 1, 2004, all revenues will be used to support emergency medical services.

Patron - Orrock

PHB85 Roadside memorials. Requires the Virginia Department of Transportation to establish regulations for placement of roadside memorials to persons killed in highway crashes. Any person who places within the right-of-way of any VDOT-controlled highway any roadside memorial that does not conform to those regulations would be subject to a civil penalty of \$100. This is the same penalty provided for placing illegal signs and advertising within highway rights-of-way under § 33.1-373.

Patron - Orrock

PHB89 Special license plates; United We Stand. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend: United We Stand. Issuance of these plates would be subject to an annual surcharge of \$25. For each set of plates issued beyond 1,000 sets, \$15 of each \$25 fee would be paid to the Rewards for Justice Fund and used solely as reward payments to informants with information about known terrorists or terrorist plans. The bill also authorizes special license plates (i) for supporters of the councils of the Girls Scouts of the USA serving Virginia Girl Scouts, (ii) depicting a Holstein dairy cow, (iii) with the legend EDUCATION BEGINS AT HOME, (iv) for supporters of the NASA Langley Research Center, (v) for supporters of the Relay for Life, and (vi) bearing the leg-

end: "God Bless America." This bill incorporates HB 63, HB 114, HB 402, HB 444, HB 492, HB 597, SB 370, and SB 437.

Patron - Welch

PHB115 Golf carts. Allows operation of golf carts on highways other than Virginia Route 205 in Colonial Beach. The bill also allows the Town Council to place further limitations on over-the-road operation of golf carts within the Town. This bill is identical to SB 157.

Patron - Pollard

PHB128 Overweight vehicles; liquidated damages; ability to shift load of certain overweight vehicles. Provides that motor vehicles that qualify for weight extensions under § 46.2-1129 and whose load can be shifted by sliding the axle or axles of the semitrailer or the fifth wheel of the tractor truck and motor vehicles transporting off-the-road mobile construction equipment will be assessed liquidated damages after load shifting rather than prior to shifting. This bill is identical to SB 63.

Patron - Rollison

PHB167 Law-enforcement notices sent through the mail. Revises the printing specifications for the words "Law-Enforcement Notice" on official mailing envelopes so that the words are no smaller than the print size of the primary address on the envelope. The bill also requires that the words be clearly visible through "window" envelopes.

Patron - Petersen

PHB196 Vehicle safety inspections and emissions inspections; maximum fees. Increases "cap" on motor vehicle safety inspection fees for passenger cars and pickup or panel trucks from \$10 to \$15 and increases "cap" on emission inspection fees from \$20 to \$28.

Patron - Callahan

PHB254 Child restraint devices. Provides for a mandatory \$50 civil penalty for violations of laws that require use of child restraint devices or safety belt systems when transporting children less than 16 years old in motor vehicles, except that a court may still waive or suspend the imposition of the penalty if it finds that the violation occurred because of the defendant's financial inability to acquire a child restraint system.

Patron - McQuigg

PHB265 Disabled parking placards. Allows persons to whom disabled parking placards are issued to cover their age as shown on the placard with opaque removable tape.

Patron - McQuigg

PHB272 Laser speed detection devices. Allows Culpeper County and towns located therein to use laser speed detection devices.

Patron - Broman

PHB278 Automated agencies of the Department of Motor Vehicles. Replaces the two-tier compensation scheme for automated DMV agencies with a single-tier system where the agency annually receives three and one-half percent of its gross collections.

Patron - Broman

PHB286 Blue Ridge Parkway, Skyline Drive, George Washington Memorial Parkway, and Colonial Parkway. Declares the Blue Ridge Parkway, Skyline Drive, George Washington Memorial Parkway, and Colonial Parkway to be scenic highways and Virginia byways.

Patron - O'Bannon

PHB301 Sight-seeing carriers by boat; special or charter party carriers by boat; motor carriers by launch. Repeals regulation of sight-seeing carriers by boat, special or charter party carriers by boat, and motor carriers by launch by the Department of Motor Vehicles except for insurance requirements.

Patron - McDonnell

PHB345 Duty of driver to stop; hit and run. Provides that any person convicted of hit and run is guilty of (i) a Class 5 felony if the accident results in injury to or the death of any person, or if the accident results only in damage to property and the damage is at least \$1,000 or (ii) a Class 1 misdemeanor if the accident results only in damage to property less than \$1,000. Under current law, anyone convicted of hit and run is guilty of a Class 5 felony, regardless of the extent of injury or damage.

Patron - Albo

PHB362 General district courts; jurisdictional amounts; exception. Provides an exception to the \$15,000 jurisdictional limit in general district courts for cases involving liquidated damages for violation of vehicle weight limits. In 2001 the General Assembly amended § 46.2-1135 (which refers to general district courts) to increase liquidated damages, which means that cases will more frequently exceed \$15,000. This bill is identical to SB 474.

Patron - Cosgrove

PHB385 Special license plates; supporters of the Motorcycle Rider Safety Training Program; fees. Authorizes the issuance of special license plates to supporters of the Motorcycle Rider Safety Training Program. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. The bill also provides that persons awarded multiple Bronze Star, Bronze Star with a "V" for valor, or Silver Star medals can obtain special license plates that indicated their multiple awards. The bill authorizes the issuance of special license plates to: persons awarded the Air Medal or the Air Medal with a "V" for valor, the Combat Infantry Badge, members and former members of the 173rd Airborne Brigade, members of Rotary International, members of Optimist International, supporters of the Shenandoah National Park Association, printers, supporters of Big Brothers Big Sisters of America, Rocky Mountain Elk Foundation volunteers, members of BoatU.S., members and associates of the Virginia Court Appointed Special Advocate Association, supporters of the American Cancer Society, beekeepers and supporters of beekeepers, Pony Club members, Parrothead Club members, 1600 Communications Association members, Blue Knights organization members, supporters of professional motor sports, supporters of Virginia's zoos, supporters of the Washington Redskins football team, supporters of youth soccer, supporters of crime prevention, and retired member of the U.S. Air Force. In addition, the bill authorizes special license plates celebrating the 250th anniversary of the Town of Smithfield, the 200th anniversary of the City of Salem, the 250th anniversary of the City of Portsmouth, the values of diversity and the contributions of African-American communities, and Virginia's Indian tribes. Also authorized are special license plates displaying the following mottos: fox hunting, unlock autism, fight terrorism, and proud to be an American. It also provides for special license plates commemorating: the victims of the bombing of the USS Cole, the September 11, 2001, attack on the Pentagon, and the coming of the first Africans to Virginia in 1619. The bill also authorizes issuance of a special license plate to promote childhood cancer awareness. This bill incorporates HBs 34, 40, 62, 65, 96, 113, 123, 134, 212, 230, 237, 281, 441, 445, 492, 521, 522, 584, 597, 598, 634, 674,

680, 803, 1051, 1133, 1182, 1198, 1210, 1232, and 1280 and SBs 7, 22, 213, 282, 340, 368, 455, 498, 583, and 657.

Patron - Wardrup

PHB407 Department of Motor Vehicle (DMV) Records. Provides that, on the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the DMV Commissioner will (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information (in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses). This information will be provided free of charge if the request is accompanied by evidence that the person receiving the information has applied to be a Compeer volunteer.

Patron - Weatherholtz

PHB430 Parking ordinances; Pittsylvania County. Adds Pittsylvania County to the list of counties that may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its boundaries (including the installation and maintenance of parking meters). This bill is identical to SB 287.

Patron - Hurt

PHB439 Disabled parking placards. Provides that no physician's certification of an applicant's disability will be required for the renewal of any disabled parking placard of an applicant to whom disabled parking license plates have been issued.

Patron - Woodrum

PHB486 Local vehicle licenses; fees. Authorizes any county, city, or town to enter into an agreement with the Department of Motor Vehicles Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant who has not paid (i) the locality's vehicle license (decals) fee or (ii) tangible personal property taxes. Current provisions exempting delinquent personal property taxes of \$50 or less and requiring that the tax be levied against the vehicle whose registration is being denied are eliminated.

Patron - Reid

PHB499 Air bags. Provides that any person who, without the vehicle owner's knowledge, knowingly installs or reinstalls as part of the vehicle inflatable restraint system of a motor vehicle any air bag that was not designed in accordance with federal safety regulations for that make, model, and year of motor vehicle is guilty of a Class 1 misdemeanor (jail for up to 12 months and/or a fine up to \$2,500) and that any person, without the vehicle owner's knowledge, installs or reinstalls an air bag that was previously installed in another motor vehicle is guilty of a Class 2 misdemeanor.

Patron - Albo

PHB539 Emergency vehicles; exceeding speed limits. Allows law-enforcement vehicles to exceed speed limits, without displaying warning lights or sounding sirens, for the purpose of "pacing" vehicles suspected of speeding.

Patron - Landes

PHB541 Property and passenger carriers. Clarifies legislation enacted by the 2001 Session to correct an erroneous cross-reference and to establish the procedure by which to

appeal a denial by the Department of Motor Vehicles of an application for a license or certificate as a broker or a motor carrier of property or passengers.

Patron - Landes

PHB564 Driver's licenses; use of social security numbers. Requires the Department of Motor Vehicles to assign to applicants for driver's licenses driver's license numbers that are not social security numbers, except when applicants request in writing that their social security numbers be used as their driver's license numbers. This bill incorporates HB 542.

Patron - Byron

PHB570 Records of the Department of Motor Vehicles; on-road testing of motor vehicle emissions by Department of Environmental Quality; subsidies to owners of certain motor vehicles found not in compliance with motor vehicle emissions requirements. Authorizes the Department of Motor Vehicles to release vehicle owner data to the Department of Environmental Quality in connection with enforcement actions involving on-road testing of motor vehicles. The bill also requires the State Air Pollution Control Board to establish separate and distinct emissions standards applicable to on-road testing of motor vehicles, with such criteria being applicable to all motor vehicles manufactured for a model year 25 years prior to January 1 of the present calendar year or any more recent model year and criteria for each model year being appropriate to that model year. Further provision is made for the expedited identification of "gross violators" of motor vehicle emissions inspection standards. Vehicles registered as "antique" vehicles are exempt. The bill reduces from 90 days to 30 calendar days the time given to owners of vehicles found by on-road testing to be not in compliance with emissions standards to either show that the vehicles have passed a subsequent emissions inspection, qualify for waivers, or have been given waivers. The bill also makes the Department of Environmental Quality responsible for the establishment and operation of a program to subsidize repairs of vehicles that fail to meet emissions standards, when the owner of the vehicle is financially unable to have the vehicle repaired. The costs of implementing and operating this program are to be borne by the Vehicle Emissions Inspection Program Fund.

Patron - May

PHB571 Low-speed vehicles. Authorizes limited over-the-highway operation of low-speed vehicles, defined as four-wheeled electrically-powered vehicles, other than golf carts, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour, that are manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, section 571.500. Low-speed vehicles may be operated on public highways with speed limits of no more than 35 miles per hour by licensed drivers or learner's permit holders accompanied by licensed drivers. The same registration and insurance requirements applicable to passenger cars apply also to low-speed vehicles. This bill is identical to SB 44.

Patron - May

PHB606 Speeding; prepayment of fines. Requires the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for the prepayment of fines to include a fine of not less than five dollars per mile over the posted speed limit for speeding on certain roads where the maximum speed limit is 55 or 65 miles per hour.

Patron - Saxman

PHB637 Cooperation of Department of Motor Vehicles and Department of State Police with certain fed-

eral agencies. Provides that the Department of State Police and the Department of Motor Vehicles are to enter into agreements with the United States Department of State, the Immigration and Naturalization Service, and other federal law-enforcement agencies to bring about the interchange of information concerning those aliens residing in the United States who hold or apply for Virginia driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, or special identification cards in order (i) to ensure that persons who hold or apply for these documents are lawfully entitled to do so and (ii) to facilitate the detection and prevention of criminal activity and the identification and apprehension of persons engaged in criminal activity. This bill will not become effective unless reenacted by the 2003 Regular Session of the General Assembly.

Patron - O'Brien

PHB638 Driver's licenses, etc. Provides that obtaining, aiding in obtaining, or possessing a Virginia driver's license, special identification card, vehicle registration, certificate of title or other document issued by the Department of Motor Vehicles (DMV) constitutes a Class 2 misdemeanor if the violation involved obtaining or possession of the document for purposes of engaging in an age-limited activity (such as obtaining, possessing, or consuming alcoholic beverages) but constitutes a Class 6 felony if the violation was committed for other purposes. The bill also allows persons moving to Virginia from another state or country sixty days (instead of thirty days) to obtain Virginia driver's licenses. The bill prohibits the use of immigration visas and written statements (whether notarized or not) wherein another person "vouches" for the Virginia residency of an applicant for a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card. For applicants less than nineteen years old, however, proof that the applicant's parent or guardian is a Virginia resident may be accepted as evidence of the applicant's Virginia residency. With certain exceptions (most notably for military personnel stationed outside Virginia and persons residing outside of Virginia in connection with their employment), the bill requires DMV to cancel the Virginia driver's licenses, commercial driver's license, and special identification cards or persons who change their address to a non-Virginia address. Under this legislation, no persons who holds a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit would be allowed to hold a special identification card issued by DMV. The legislation requires the DMV Commissioner, no later than December 1, 2002, to report to the Chairmen of the House and Senate Transportation Committees regarding the need for further modification or enhancement to the identity and residency requirements in the application process for Virginia driver's licenses, commercial driver's licenses, learner's permits, temporary driver's permits and special identification cards. The report specifically must include an assessment of the feasibility and effectiveness of requiring applicants for DMV documents to prove their legal presence in the United States. This bill incorporates HB 14 and HB 415 and is identical to SB 162.

Patron - O'Brien

PHB655 Driver's licenses for persons 19 years old and younger. Requires all applicants (rather than only unlicensed ones) for driver's licenses who are less than 19 years old to furnish proof that they have successfully completed a driver education program approved by the State Department of Education. The bill also requires persons under 19 (rather than those under 18) to hold learner's permits at least nine months before applying for a driver's license, and authorizes the issuance of temporary driver's licenses, valid for six months, to

persons who are 18 years old and hold valid driver's licenses issued in another state.

Patron - O'Brien

PHB659 Rustic Road Program. Provides for a Rustic Road Program by the Virginia Department of Transportation, beginning July 1, 2003. At the request of a county board of supervisors, the Department may designate a road or road segment as a Rural Rustic Road if it (i) is located in a low-density development area and has an average daily traffic volume of no more than 500 vehicles per day and (ii) has a posted speed limit consistent with the topography and features along the road. For a road or road segment so designated, improvements must utilize a paved surface width based on reduced and flexible standards that leave trees, vegetation, side slopes, and open drainage abutting the roadway undisturbed to the maximum extent possible without compromising public safety.

Patron - May

PHB669 Applications for learner's permits, driver's licenses, commercial driver's licenses, and special identification cards. Requires that every male applicant for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, license, or card who is less than 26 years old and is either a citizen of the United States or an immigrant shall, at the time of his application, be registered in compliance with the requirement of section 3 of the Military Selective Service Act, 50 U.S.C. App. 451 et seq. The data pertaining to any person less than 18 years old will not be used by Selective Service to register him with Selective Service until he turns 18.

Patron - Cox

PHB679 Drivers required to attend driver improvement clinics. Allows the DMV Commissioner, for a good cause shown, to extend the time limit for attending a driver improvement clinic when the person required to attend the clinic is (i) attending an institution of higher education outside Virginia or (ii) in the military and stationed outside the U.S. or is the dependant of a person in the military stationed outside the U.S.

Patron - Watts

PHB705 "Apportioned" license plates. Provides that failure to display "apportioned" license plates or a trip permit constitutes prima facie evidence that apportioned or allocated fees as to the vehicle have not been paid.

Patron - Armstrong

PHB708 Disabled parking ordinances; enforcement by owners. Authorizes Henry County (in addition to Franklin County, Danville and Martinsville) by ordinance to provide that a summons for disabled parking ordinances may be issued by any owner of a private parking area of a nursing home, provided the owner has registered his intention to issue summonses with the chief law-enforcement officer of the locality.

Patron - Armstrong

PHB771 Statewide Transportation Plan. Expresses the intent of the General Assembly that the Statewide Transportation Plan be produced with a statewide focus, and not as the result of an aggregation of smaller local, district, or regional plans.

Patron - Watts

PHB817 Restoration of suspended driver's license; fines. Provides for automatic restoration of a driver's license when a defendant enters into a deferred or installment payment agreement that is acceptable to the court. Under current law only the court can restore the driver's license. This bill amends

a provision added to the Code of Virginia by the 2000 General Assembly (HB 355, SB 183), which provided that a person with a suspended license could have the license restored if he paid the reinstatement fee to DMV and entered into an agreement acceptable to the court to make deferred or installment payments. The 2000 bill stated that the court shall restore the defendant's license and an Attorney General's Opinion issued on December 29, 2001, stated that the court must enter an order for restoration to occur. This bill is a recommendation of the Committee on District Courts.

Patron - Almand

PHB836 Board of Transportation Safety. Requires that the interests of pedestrians and bicyclists be represented by the members of the Board of Transportation Safety.

Patron - Thomas

PHB896 Passing stopped school buses. Adds passing a school bus on a private road to the existing language, which only includes highway or school driveway.

Patron - McDougale

PHB905 Electric personal assistive mobility device. Defines "electric personal assistive mobility device" and provides, generally, for its treatment as an electric power-assisted bicycle, except that it is explicitly limited to speeds of no more than 15 miles per hour.

Patron - Rollison

PHB934 Commercial motor vehicles; alcohol and grade crossing violations; civil penalties. Provides for disqualification of a person holding a commercial driver's license for certain alcohol-related offenses committed in other states where disqualification was imposed through a civil or administrative hearing without any court proceedings. The bill further provides for disqualification of a commercial driver's license holder for 60 days for violations committed at railroad/highway grade crossings. Longer disqualifications are authorized for repeat offenses. In addition, it authorizes imposition of civil penalties up to \$10,000 for employers who allow or require an employee to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad/highway grade crossings and provides that no court may reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle because the person has attended a driver improvement clinic.

Patron - Wardrup

PHB955 Department of Motor Vehicles (DMV); abstracts of records conviction. Requires the courts to forward abstracts of conviction to DMV within 18 days instead of the current 15 days.

Patron - Petersen

PHB1027 Failure to yield to pedestrians. Allows Fairfax County the same ability as Arlington and Alexandria to provide for enhanced penalties for motorists who fail to yield the right-of-way to pedestrians in specially marked crosswalks.

Patron - Moran

PHB1030 Speed limits in cities. Expands the provisions of § 46.2-878.2 to apply the penalties presently applicable only to speeding in residence districts (fine up to \$200) to all roads and streets in residence districts in counties, cities, and towns.

Patron - Moran

PHB1060 Suspension of operator's license and tags for failure to satisfy judgment. Expands the definition of judgment to include a civil action filed pursuant to § 15.2-1716

(reimbursement of expenses incurred in responding to DUI incident). This expansion allows the Commissioner, pursuant to § 46.2-417, to suspend the driver's license and all of the registration certificates and license plates for any person who has failed to satisfy the judgment resulting from emergency response expenses incurred on his behalf in response to his DUI.

Patron - Moran

PHB1102 "Out-of-service" inspections. Allows specially trained law-enforcement officers of Washington County and Portsmouth to perform "out-of-service" inspections of trucks. HB 1242 adds Pulaski County; SB 108 adds Portsmouth and Pulaski County.

Patron - Johnson

PHB1183 Motor carriers. Provides that DMV will not hear protests by aggrieved parties in cases where an applicant for licensure as a common carrier has received notice of intent to award a contract under the Virginia Public Procurement Act for irregular route services to or from Norfolk Airport. This bill is identical to SB 435.

Patron - Welch

PHB1188 Vanpools and ridesharing. Revises several Code sections to eliminate conflicts and inconsistencies that arose as the result of 2001 legislation revising Virginia's motor carrier laws. Specifically, the bill (i) amends several statutes so that definitions and provisions applicable to small vanpool vehicles conform to federal regulations and other provisions of Virginia law; (ii) clarifies the use and cost of "PV" license tags for small vanpool vans; (iii) removes a meaningless reference to ridesharing in the shared ride taxi statute (§ 15.2-949) and substitutes language authorizing vanpool capital assistance by a locality, in lieu of establishing a shared ride taxi service; (iv) authorizes localities to give personal property tax breaks to all small non-profit vanpool vans; and (v) provides statutory recognition of the State Corporation Commission's interpretation view that the vanpool notice requirement for insurance purposes, applicable to vanpools using vehicles seating ten or more, includes the driver in the count.

Patron - Darner

PHB1192 Parking fines; personal property taxes on vehicles. Allows local governing bodies to enter into regional compacts for the inter-jurisdictional enforcement of local parking and vehicular personal property tax ordinances assessed against vehicles of persons.

Patron - Almand

PHB1242 "Out-of-service" inspections. Adds Pulaski County to the list of localities whose specially trained law-enforcement officers are authorized to conduct "out-of-service" inspections of vehicles subject to federal motor carrier safety requirements. HB 1102 adds Washington County and Portsmouth; SB 108 authorizes Portsmouth and Pulaski County.

Patron - Keister

PHB1243 Trucks hauling gravel, sand, or crushed stone. Extends to July 1, 2007, the temporary application of coal truck weight limits to trucks hauling gravel, sand, or crushed stone in counties authorized to impose a coal severance tax.

Patron - Stump

PHB1255 Parking. Prohibits localities to adopt ordinances prohibiting parking of two motorcycles in single parking spaces marked or sized for single four-wheel vehicles.

Counties, cities, and towns may adopt ordinances permitting parking of three or more motorcycles in single parking spaces.

Patron - Nixon

PHB1261 Approaching stationary emergency vehicles on highways. Requires drivers, when approaching stationary emergency vehicles on highways, where reasonable, to change lanes or, when lane changing is either unreasonable or unsafe, to proceed with caution. Violations are Class 1 misdemeanors. However, if a violation results in damage to property of another person, the court may order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If the violation resulted in injury to another person, the court may, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for not more than two years. If the violation resulted in the death of another person, the court may, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for two years. This bill is modeled on "Scott's Law" from Illinois and is identical to SB 367.

Patron - Rapp

PHB1328 Child restraint devices. Increases the maximum age of children that must be secured in child restraint devices when traveling in motor vehicles. The bill also allows restraining a child who is at least four years old but less than six years old with a standard automobile seat belt instead of a child restraint device, if the weight and size of the child is such as to make the use of such seat belt practical and the use of an approved child restraint impractical. This bill is identical to SB 395.

Patron - Bolvin

PHB1342 Aggressive Driving; offense and penalty. Creates the new offense of aggressive driving and provides that a person is guilty of aggressive driving if he violates one or more of an enumerated list of traffic violations, e.g., following too closely, failure to observe lanes marked for traffic, stopping on highway, etc., with the intent to harass, intimidate, injure or obstruct another person. Aggressive driving shall be punished as a Class 2 misdemeanor, however, aggressive driving with the intent to injure another person shall be punished as a Class 1 misdemeanor. This bill is identical to SB 522.

Patron - O'Brien

PHB1358 Driver improvement clinics. Allows persons under 18 to receive good driving points for attending driver improvement clinics if they have not been directed to attend by the DMV Commissioner or required to attend by a court.

Patron - O'Bannon

PHJ200 Dulles Corridor rapid transit project. Encourages the Virginia Department of Rail and Public Transportation, in cooperation with the Secretary of Transportation and the Commonwealth Transportation Board, to work towards developing innovative alternative management strategies for transportation facilities and revenues in the Dulles Corridor. The resolution also provides that the analysis of alternative management strategies must ensure that in no event shall the Commonwealth set aside its fiduciary responsibilities to bondholders or others who have a legal interest in the Dulles Toll Road or to impair any outstanding statutory, contractual, or other legal obligation.

Patron - Plum

PSB63 Overweight vehicles; liquidated damages; ability to shift load of certain overweight vehicles. Provides that motor vehicles that qualify for weight extensions under § 46.2-1129 and whose load can be shifted by sliding the axle or

axles of the semitrailer or the fifth wheel of the tractor truck and motor vehicles transporting off-the-road mobile construction equipment will be assessed liquidated damages after load shifting rather than prior to shifting. This bill is identical to HB 128.

Patron - Watkins

PSB68 Motor vehicle titles; joint owners. Clarifies that the issuance by the Department of Motor Vehicles of a certificate of title to two natural persons, jointly with right of survivorship, shall not be used by one of the joint owners as a defense to the lienor's enforcement of a security interest in the vehicle that was granted by one or both of the joint owners of the vehicle on the same date or prior to the issuance of the certificate of title.

Patron - Watkins

PSB108 "Out-of-service" inspections. Allows specially trained law-enforcement officers of Portsmouth and Pulaski County to conduct "out-of-service" inspections of vehicles subject to federal motor carrier safety requirements.

Patron - Marye

PSB148 Possession of open container of alcohol in a motor vehicle; penalty. Creates a rebuttable presumption that the driver has consumed an alcoholic beverage in violation of § 18.2-323.1 if (i) an open container is located in the passenger area of a motor vehicle, (ii) the alcoholic beverage has been at least partially removed and (iii) the appearance, conduct, odor of alcohol, speech or other physical characteristic of the driver may be reasonably associated with the consumption of an alcoholic beverage. A violation of § 18.2-323.1 is punishable as a Class 4 misdemeanor.

Patron - Norment

PSB157 Golf carts. Allows operation of golf carts on highways other than Virginia Route 205 in Colonial Beach. The bill also allows the Town Council to place further limitations on over-the-road operation of golf carts within the Town. This bill is identical to HB 115.

Patron - Chichester

PSB162 Driver's licenses, etc. Provides that obtaining, aiding in obtaining, or possessing a Virginia driver's license, special identification card, vehicle registration, certificate of title or other document issued by the Department of Motor Vehicles (DMV) constitutes a Class 2 misdemeanor if the violation involved obtaining or possession of the document for purposes of engaging in an age-limited activity (such as obtaining, possessing, or consuming alcoholic beverages) but constitutes a Class 6 felony if the violation was committed for other purposes. The bill also allows persons moving to Virginia from another state or country sixty days (instead of thirty days) to obtain Virginia driver's licenses. The bill prohibits the use of immigration visas and written statements (whether notarized or not) wherein another person "vouches" for the Virginia residency of an applicant for a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card. For applicants less than nineteen years old, however, proof that the applicant's parent or guardian is a Virginia resident may be accepted as evidence of the applicant's Virginia residency. With certain exceptions (most notably for military personnel stationed outside Virginia and persons residing outside of Virginia in connection with their employment), the bill requires DMV to cancel the Virginia driver's licenses, commercial driver's license, and special identification cards or persons who change their address to a non-Virginia address. Under this legislation, no persons who holds a Virginia driver's license, commercial driver's license, temporary driver's per-

mit, learner's permit, or motorcycle learner's permit would be allowed to hold a special identification card issued by DMV. The legislation requires the DMV Commissioner, no later than December 1, 2002, to report to the Chairmen of the House and Senate Transportation Committees regarding the need for further modification or enhancement to the identity and residency requirements in the application process for Virginia driver's licenses, commercial driver's licenses, learner's permits, temporary driver's permits and special identification cards. The report specifically must include an assessment of the feasibility and effectiveness of requiring applicants for DMV documents to prove their legal presence in the United States. This bill is identical to HB 638.

Patron - Byrne

PSB256 Motor carriers; registration. Prohibits the Department of Motor Vehicles from registering or reregistering motor vehicles owned by a motor carrier if the State Corporation Commission notifies the Department that the motor carrier has not filed an annual report or paid taxes due to the State Corporation Commission.

Patron - Watkins

PSB287 Parking ordinances; Pittsylvania County. Adds Pittsylvania County to the list of counties that may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its boundaries (including the installation and maintenance of parking meters). This bill is identical to HB 430.

Patron - Hawkins

PSB358 Proof of insurance, etc., for vehicles involved in accidents. Authorizes law-enforcement officers present at the scene of reportable motor vehicle accidents to require the operators of motor vehicles involved to furnish proof that, at the time of such accident, either (i) the vehicles they were operating were insured motor vehicles as defined in § 46.2-705 or (ii) the fee required by § 46.2-706 for registration of uninsured vehicles had been paid. Failure to furnish proof of such within 30 days would constitute a Class 2 misdemeanor (jail up to six months and/or a fine up to \$1,000).

Patron - Reynolds

PSB367 Approaching stationary emergency vehicles on highways. Requires drivers, when approaching stationary emergency vehicles on highways, where reasonable, to change lanes or, when lane changing is either unreasonable or unsafe, to proceed with due caution. Violations are Class 1 misdemeanors. However, if a violation results in damage to property of another person, the court may, in addition, order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If the violation resulted in injury to another person, the court may, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for not more than two years. If the violation resulted in the death of another person, the court may, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for two years. This bill is modeled on "Scott's Law" from Illinois and is identical to HB 1261.

Patron - Blevins

PSB393 Statewide Pedestrian Plan. Requires the Commonwealth Transportation Board to develop a Statewide Pedestrian Plan.

Patron - Whipple

PSB395 Child restraint devices. Increases the maximum age of children who must be secured in child restraint devices when traveling in motor vehicles. The bill also allows

restraining a child who is at least four years old but less than six years old with a standard automobile seat belt instead of a child restraint device, if the weight and size of the child is such as to make the use of such seat belt practical and the use of an approved child restraint impractical. This bill is identical to HB 1328.

Patron - Whipple

PSB405 Eluding police; penalty. Provides for mandatory suspension of a driver's license for not less than 30 days and no more than one year when a person is convicted of an offense for eluding police. Currently, the court has the discretion to suspend a person's license for that period of time, unless the person exceeded the speed limit by 20 miles an hour, in which case the court is required to suspend the license for not less than 90 days.

Patron - Rerras

PSB435 Motor carriers. Provides that DMV will not hear protests by aggrieved parties in cases where an applicant for licensure as a common carrier has received notice of intent to award a contract under the Virginia Public Procurement Act for irregular route services to or from Norfolk Airport. This bill is identical to HB 1183.

Patron - Williams

PSB447 Low-speed vehicles. Authorizes limited over-the-highway operation of low-speed vehicles, defined as four-wheeled electrically-powered vehicles, other than golf carts, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour, that are manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, section 571.500. Low-speed vehicles may be operated on public highways with speed limits of no more than 35 miles per hour by licensed drivers or learner's permit holders accompanied by licensed drivers. The same registration and insurance requirements applicable to passenger cars apply also to low-speed vehicles. This bill is identical to HB 57.

Patron - Williams

PSB521 Ignition interlock and review of DMV order for manifest injustice; commercial driver's license. Removes judicial discretion to allow a DUI second offender to drive his vehicle without an ignition interlock. Currently, the court may allow such person to drive without the interlock if the court states in its order why the interlock is not required. The bill also provides that administrative revocation or suspension of a person's driver's license by the DMV is not subject to judicial review on the basis of manifest injustice unless the Commissioner's revocation order was the result of an error or was issued without authority. The bill also provides, in a provision that appears only in the enactment clause and not in the Code, that a judge shall send a second or third DUI conviction order to the DMV only if the defendant was convicted on a process alleging second or third DUI.

Patron - Mims

PSB522 Aggressive Driving; offense and penalty. Creates the new offense of aggressive driving and provides that a person is guilty of aggressive driving if he violates one or more of an enumerated list of traffic violations, e.g., following too closely, failure to observe lanes marked for traffic, stopping on highway, etc., with the intent to harass, intimidate, injure or obstruct another person. Aggressive driving shall be punished as a Class 2 misdemeanor, however, aggressive driving with the intent to injure another person shall be punished as a Class 1 misdemeanor. This bill is identical to HB 1342.

Patron - Mims

PSB602 Conviction of a serious driving offense. Provides that a conviction for certain traffic offenses resulting in death may include suspension of the driver's license for not more than 12 months.

Patron - Williams

PSB656 Youthful drivers. Makes it clear that volunteer firefighters and volunteer rescue squad personnel responding to emergency calls are exempt from the midnight-to-4:00 a.m. "curfew" for drivers under 18.

Patron - Mims

Failed

FHB14 Driver's licenses, commercial driver's licenses, and special identification cards. Provides that unlawfully obtaining, or aiding any person to obtain, a Virginia driver's license, special identification card, vehicle registration, certificate of title or other document issued by the Department of Motor Vehicles (DMV) constitutes a Class 4 felony (imprisonment for two to 10 years and a fine up to \$100,000), (presently such offenses are only Class 2 misdemeanors -- jail for up to six months and/or a fine up to \$1,000), unless they involve aid to five or more persons); extends from 30 days to 60 days the time during which a new resident may operate a motor vehicle in Virginia without having a Virginia driver's license; requires that applications for driver's licenses, commercial driver's licenses, learner's permits and renewals thereof be accompanied by certification and proof that the applicant's presence in the United States is in conformity with federal law; requires that no driver's license, commercial driver's license, or special identification card shall be valid for a length of time that exceeds the length of time during which the holder of the license or special identification card is permitted by federal law to be present in the United States; and provides that minors can be issued replacement driver's licenses and learner's permits for those that are lost, stolen, or destroyed, but requires that adults whose driver's licenses are lost, stolen, or destroyed to apply for a renewal of the lost, stolen, or destroyed licenses. This bill is incorporated into HB 638.

Patron - Rollison

FHB34 Special license plates; members of the 1600 Communications Association. Authorizes the issuance of special license plates to members of the 1600 Communications Association. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Callahan

FHB40 Special license plates; supporters of Virginia zoos. Authorizes the issuance of "revenue sharing" license plates to supporters of Virginia zoos. For each set of plates issued (after the first 1,000 sets) \$15 will go, in equal shares, to the Blue Ridge Zoological Society and the Virginia Zoological Society to be spent at their discretion to support their programs and activities. This bill is incorporated into HB 385.

Patron - Woodrum

FHB59 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violation with a civil penalty of \$25.

Patron - Purkey

FHB62 Special license plates; Rotary International. Authorizes issuance of special license plates for members of Rotary International. This bill incorporates HB 521 and HB 634 and is incorporated into HB 385.

Patron - Morgan

FHB63 Special license plates; God Bless America. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend "God Bless America." This bill is incorporated into HB 89.

Patron - Marshall, R.G.

FHB64 Special license plates; "One Nation Under God." Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend "One Nation Under God."

Patron - Marshall, R.G.

FHB65 Special license plates; Proud to be an American. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend: Proud to be an American. This bill is incorporated into HB 385.

Patron - Marshall, R.G.

FHB83 Special license plates; World War II veterans; fees. Provides for a one-time surcharge of \$15 for issuance of World War II veteran license plates. This one-time surcharge would replace the present \$10 annual surcharge.

Patron - Orrock

FHB96 Special license plates; supporters of professional motor sports. Authorizes the issuance of special license plates to supporters of professional motor sports. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. This bill is incorporated into HB 385.

Patron - Dudley

FHB113 Special license plates; Parrothead Club. Authorizes issuance of special license plates for members and supporters of the Parrothead Club. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill is incorporated into HB 385.

Patron - Marshall, R.G.

FHB114 Special license plates; education begins at home. Authorizes the issuance of special license plates bearing the legend: EDUCATION BEGINS AT HOME. This bill is incorporated into HB 89.

Patron - Marshall, R.G.

FHB123 Special license plates; members of Virginia affiliates of the United States Pony Clubs. Authorizes the issuance of special license plates to members of Virginia affiliates of the United States Pony Clubs. This bill is incorporated into HB 385.

Patron - Hull

FHB134 Special license plates; USS Cole. Authorizes the issuance of special license plates honoring persons injured or killed in the bombing of the USS Cole on October 12, 2000. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Hargrove

FHB168 Speeding in residence districts. Allows Fairfax City to prohibit the operation of a motor vehicle at a speed of 15 miles per hour or more in excess of the applicable maximum speed limit in a residence district and, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, subjects violators to a civil penalty of \$100, in addition to any other penalty provided by law but no other civil penalty.

Patron - Petersen

FHB212 Special license plates; beekeepers and their supporters. Authorizes the issuance of special license plates to beekeepers and supporters of beekeepers. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - O'Bannon

FHB229 Special license plates; members of the Virginia General Assembly. Provides that General Assembly members' special license plate numbers will be the same as their House or Senate district number.

Patron - Ware

FHB230 Special license plates; 173rd Airborne Brigade. Authorizes issuance of special license plates to members and former members of the 173rd Airborne Brigade, instead of to members of the Society of the 173rd Airborne Brigade. These license plates would be exempt from minimum order requirements generally applicable to special license plates provided a one-time fee of \$3,500 has been paid to the DMV Commissioner. This bill is incorporated into HB 385.

Patron - Ware

FHB237 Special license plates American Cancer Society. Authorizes the issuance of special license plates to supporters of the American Cancer Society. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Gear

FHB253 Teen drivers; passenger limitations. Allows drivers under 17 to transport up to three passengers under 18 when driving to or from school or a school-sponsored activity.

Patron - McQuigg

FHB266 Special license plates. Returns responsibility for issuing special license plates to the DMV Commissioner. The bill retains provisions for minimum numbers of prepaid applications received prior to production and issuance and minimum numbers of active plates to keep series open. No authority is given the Commissioner to issue "revenue-sharing" plates.

Patron - McQuigg

FHB267 Special license plates; plates available to military veterans. Changes the annual \$10 surcharge for these plates to a one-time \$10 surcharge. This bill does not affect veteran-related special license plates that presently are not subject to the standard annual \$10 surcharge.

Patron - Landes

FHB280 Vehicle license plates. Provides for only one license plate on registered vehicles.

Patron - Louderback

FHB281 Special license plates; persons awarded the Combat Infantryman Badge. Authorizes the issuance of special license plates to persons awarded the Combat Infantryman Badge. This bill is incorporated into HB 385.

Patron - Louderback

FHB305 Special license plates; veterans of World War II. Eliminates all fees for issuance of special license plates for World War II veterans.

Patron - McDonnell

FHB327 Teen drivers; passenger limitations. Allows drivers under 17 who attend a Governor's School to transport up to three passengers under 18 when driving to or from the Governor's School that they attend.

Patron - Griffith

FHB350 Special license plates; supporters of public schools; fees. Exempts special license plates for supporters of public schools from the 350 prepaid application requirement contained in § 46.2-725.

Patron - Rapp

FHB390 Special license plates. Provides that, for special license plates authorized or reauthorized on or after July 1, 2002, none will be issued until the Commissioner receives (i) an administrative fee, in an amount not to exceed \$2,000, as determined by the Commissioner, from the person, organization, or group seeking the special license plates or (ii) at least 350 prepaid applications therefor within two years. It also provides that no additional license plates shall be issued or reissued in any series that, after five or more years of issuance, has fewer than 200 active sets of plates. This bill is incorporated into HB 385.

Patron - Wardrup

FHB402 Special license plates; Holstein dairy cow. Authorizes issuance of special license plates depicting a Holstein dairy cow. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill is incorporated into HB 89.

Patron - Weatherholtz

FHB415 Driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, and special identification cards. Requires applicants for driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, and special identification cards to submit documentary proof of their name, date of birth, and Virginia residency. This bill is incorporated into HB 638.

Patron - Hamilton

FHB423 "Photo-red" traffic light signal enforcement programs. Allows any county, city, or town to have a "photo-red" traffic light signal enforcement program. No such program shall be instituted solely to generate revenue. Certain functions hitherto authorized to be performed by technicians or employees must now be performed by law-enforcement officers. Photo-monitoring system cameras may not record the image of a vehicle proceeding legally through an intersection during the green phase of a signal, unless the image appears incidental to the recorded image of a vehicle illegally entering an intersection during the red phase of a signal. When selecting intersections for a traffic light signal violation photo-monitoring system, localities must consider factors such as the accident rate for the intersection, the number of red light violations occurring at the intersection, the difficulty experienced by law-

enforcement officers in patrol cars or on foot in apprehending violators and the ability of law-enforcement officers to apprehend violators safely within a reasonable distance of the violation. The timing of the yellow phase of the signal at intersections being monitored must meet or exceed the minimum time recommended by the Institute of Transportation Engineers. Localities that use photo-monitoring systems must place conspicuous signs indicating this at or near the boundary of the locality on all primary highways. Prior to or coincident with implementation or expansion of a "photo-red" program, a locality must implement a public awareness program. The July 1, 2005, "sunset" on "photo-red" programs is repealed.

Patron - McQuigg

FHB441 Special license plates; Childhood Cancer Awareness. Authorizes the issuance of "revenue sharing" license plates to promote childhood cancer awareness. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Candlelighters Childhood Cancer Foundation to be spent in promoting childhood cancer awareness in Virginia. This bill is incorporated into HB 385.

Patron - Landes

FHB444 Special license plates; Girl Scouts. Authorizes the issuance of "revenue sharing" license plates to supporters of the Girl Scouts of America. For each set of plates issued (after the first 1,000 sets), \$15 will go to the councils of the Girl Scouts of the USA serving Virginia Girl Scouts to be spent in support of their programs and activities. This bill is incorporated into HB 89.

Patron - Hull

FHB445 Special license plates whose design incorporates the flag of the United States; FIGHT TERRORISM. Authorizes the issuance of special license plates whose design incorporates the flag of the United States and the legend: FIGHT TERRORISM. This bill is incorporated into HB 385.

Patron - Hull

FHB470 Standing or parked vehicles. Requires that persons having control of motor vehicles must stop the motors and remove the ignition keys when the vehicles are parked or standing unattended. The bill does not apply to certain emergency vehicles or to vehicles parked or standing on their owners' residential property.

Patron - Suit

FHB472 Notification by law-enforcement officers and Department of Motor Vehicles to parents and guardians of certain minors. Provides for notification of the parents or guardians of minors who are arrested or issued summonses or citations for driving while intoxicated or motor vehicle code violations. Similar notification is provided for convictions of such offenses and for suspensions, revocations, or cancellations of driver's licenses and learner's permits.

Patron - Suit

FHB491 Motorcycles; helmets. Limits the application of the "motorcycle helmet law" to operators and passengers less than 21 years old.

Patron - Reid

FHB492 Special license plates; United We Stand. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend: United We Stand. This bill is incorporated into HB 385.

Patron - Reid

FHB521 Special license plates; Rotary International. Authorizes issuance of special license plates for members of Rotary International. This bill is incorporated into HB 385.

Patron - Devolites

FHB522 Special license plates to benefit the children of the victims of the September 11, 2001, attack on the Pentagon. Authorizes the issuance of "revenue sharing" license plates to benefit the children of the victims of the September 11, 2001, attack on the Pentagon. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Board of Directors of the Federal Employees Education and Assistance Fund to be used in providing educational scholarships for the children of the victims of the September 11, 2001, attack on the Pentagon. This bill is incorporated into HB 385.

Patron - Devolites

FHB542 Driver's licenses; use of social security numbers. Requires the Department of Motor Vehicles to assign to applicants for driver's licenses driver's license numbers that are not social security numbers, except when applicants request in writing that their social security number be used as their driver's license numbers. This bill is incorporated into HB 564.

Patron - Bell

FHB584 Special license plates; persons awarded the Bronze Star, Bronze Star with a "V" for valor, or the Silver Star. Provides that the design of plates issued to persons who have been awarded more than one of these decorations shall indicate the number of these decorations. This bill is incorporated into HB 385.

Patron - Ingram

FHB597 Special license plates; United We Stand. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend: United We Stand. This bill is incorporated into HB 89.

Patron - Black

FHB598 Special license plates; unlocking autism. Authorizes the issuance of special license plates bearing the legend: UNLOCKING AUTISM. This bill is incorporated into HB 385.

Patron - Black

FHB634 Special license plates; Rotary International. Authorizes issuance of special license plates for members of Rotary International. This bill is incorporated into HB 385.

Patron - O'Brien

FHB643 "Photo-red" traffic light signal enforcement programs. Provides that the amount of the penalty for "photo-red" violations will be \$150 for a first offense, \$75 for a second offense, and \$100 for a third or subsequent offense, and authorizes localities with "photo-red" programs to exchange information necessary to determine the appropriate amount of the penalty.

Patron - O'Brien

FHB674 Special license plates; members and associates of the Virginia Court Appointed Special Advocate Association. Authorizes the issuance of special license plates to members and associates of the Virginia Court Appointed Special Advocate Association. These plates would be subject

to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Watts

FHB676 Motor vehicle dealers; buyers' orders and personal property tax forms. Requires motor vehicle, motorcycle, T&M vehicle and trailer dealers to provide a personal property tax form to purchasers at the time of the sale or exchange.

Patron - Watts

FHB680 Special license plates bearing the legend: FOX HUNTING. Authorizes the issuance of special license plates bearing the legend: FOX HUNTING. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Wright

FHB693 Local ordinances incorporating state laws relating to operation of motor vehicles; disposition of fines imposed for violations. Provides that fines imposed for violations of local ordinances incorporating provisions of the Code of Virginia relating to operation of motor vehicles must be deposited into the Literary Fund (and not into the treasury of the county, city, or town) when the violations are committed on interstate highways.

Patron - Tata

FHB701 Four-for-life. Increases, effective July 1, 2002, from two dollars per year (two-for-life) to four dollars per year (four-for-life) the motor vehicle registration surcharge used to support emergency medical services. This bill is incorporated into HB 82.

Patron - Armstrong

FHB716 Vehicle registration fees. Imposes an additional annual fee of one dollar per year on motor vehicle registration. This fee, however, will be refunded to the registered owner of the vehicle if requested in writing. All remaining funds will be used by the Jamestown-Yorktown Foundation in the planning, promotion, and commemoration of the 400th anniversary of the Jamestown Settlement in the year 2007.

Patron - Howell

FHB745 "Photo-red" traffic light signal enforcement programs. Authorizes James City County and York County to have "photo-red" traffic light signal enforcement programs. This bill is incorporated into HB 423.

Patron - Barlow

FHB765 Parking trucks in residential zones. Allows Fairfax and Prince William Counties to prohibit parking of nonfarm trucks and tractor trucks for which plates have been issued under § 46.2-712 in areas zoned for residential use.

Patron - Watts

FHB780 Motorcycle helmets. Provides that the motorcycle helmet law will expire on July 1, 2004, unless reenacted prior to that date.

Patron - Stump

FHB796 Wireless telecommunications devices. Prohibits use of wireless telecommunications devices by persons less than 18 years old while operating motor vehicles.

Patron - Bolvin

FHB803 Special license plates; Optimist International. Authorizes the issuance of special license plates to members of Optimist International. These plates would be sub-

ject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Almand

FHB806 Regional bicycle pedestrian advisory committees. Requires the Virginia Department of Transportation to develop and implement a program to establish regional bicycle pedestrian advisory committees.

Patron - Almand

FHB821 Motorcycle helmets. Repeals the motorcycle helmet law, effective July 1, 2004.

Patron - Black

FHB833 Motorcycle helmets. Exempts motorcyclists operating on scenic highways and Virginia byways from the motorcycle helmet law.

Patron - Nixon

FHB925 Removal of unsafe vehicles. Adds law-enforcement officers in Portsmouth to the list of law-enforcement officers certified to perform vehicle safety inspections.

Patron - Joannou

FHB936 Overweight vehicles. Provides for civil penalties for repeat violations of vehicle weight limits: \$1,000 for a second offense within a 12-month period, \$5,000 for a third offense within a 12-month period, and \$10,000 for a fourth or subsequent offense within a 12-month period. These penalties are in addition to all other penalties and fees imposed or assessed for such violations, and may be assessed by the court against the operator of the vehicle, the owner or lessee of the vehicle, or the owner or consignor of the good being shipped, as the interests of justice may appear. The bill also provides for transmission to the Department of Motor Vehicles of records or abstracts of convictions for overweight violations so as to create a record of convictions that courts can use in assessing the additional penalties for repeat violations.

Patron - Morgan

FHB945 Reckless driving; penalty. Provides that if a person is guilty of reckless driving and such reckless driving results in the death of another, the person is guilty of a Class 6 felony. Currently, the penalty is a Class 1 misdemeanor regardless of whether the conduct results in a death.

Patron - Hull

FHB967 Driver education programs; slower traffic to keep right. Requires driver education programs to include the desirability of slower traffic keeping to the right on multi-lane highways.

Patron - Jones, D.C.

FHB987 Commercial vehicle load covers. Requires that every vehicle load cover be adequately maintained.

Patron - Morgan

FHB1014 Parking. Authorizes localities to adopt ordinances to prohibit parking commercial vehicles where they block passing traffic or so restrict the view of oncoming and cross-traffic as to interfere with traffic safety.

Patron - Scott

FHB1051 Special license plates celebrating Virginia's Indian tribes. Authorizes the issuance of special license plates celebrating Virginia's Indian tribes. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Darner

FHB1056 Hit and run; duty of driver to stop. Provides that any person convicted of hit and run is guilty of (i) a Class 5 felony if the accident results in injury to or the death of any person, or (ii) a Class 1 misdemeanor if the accident results only in damage to property. Under current law, anyone convicted of hit and run is guilty of a Class 5 felony, regardless of the extent of injury or damage.

Patron - Melvin

FHB1057 Aggressive driving; offense and penalty. Makes driving with the intent to annoy, harass, molest, intimidate, injure or obstruct another vehicle a Class 1 misdemeanor punishable by a mandatory fine of \$500 and mandatory attendance at a driver improvement clinic. This bill is incorporated into HB 1342

Patron - Melvin

FHB1133 Special license plates; Rocky Mountain Elk Foundation volunteers. Authorizes the issuance of special license plates to Rocky Mountain Elk Foundation volunteers. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Dillard

FHB1176 Turns by trucks on Fullerton Road and Rolling Road in Fairfax County. Prohibits turns by trucks (including combinations with trailers and semitrailers) traveling on Rolling Road in Fairfax County onto Fullerton Road in Fairfax County and vice versa.

Patron - Albo

FHB1182 Special license plates; values of diversity; contributions of African-American communities. Authorizes the issuance of special license plates commemorating the values of diversity and the contributions of African-American communities around the Commonwealth. This bill is incorporated into HB 385.

Patron - Bland

FHB1198 Special license plates; members of BoatU.S. Authorizes the DMV Commissioner to issue to members of BoatU.S. special license plates bearing the legend: BoatU.S. Member. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Moran

FHB1199 Approaching stationary emergency vehicles on highways. Requires drivers, when approaching stationary emergency vehicles on highways, where possible, to change lanes or, when lane changing is either impossible or unsafe, to reduce speed. Violations are Class 1 misdemeanors. However, if a violation results in damage to property of another person, the court must, in addition, order the suspension of the driver's privilege to operate a motor vehicle for 90 days to a year. If the violation resulted in injury to another person, the court must, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for 180 days to two years. If the violation resulted in the death of another person, the court must, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for two years. This bill is modeled on "Scott's Law" from Illinois and is incorporated into HB 1261.

Patron - Jones, S.C.

FHB1210 Special license plates commemorating the 250th anniversary of the Town of Smithfield. Authorizes the issuance of special license plates commemorating the 250th

anniversary of the town of Smithfield, the 200th anniversary of the City of Salem, and the 250th anniversary of the City of Portsmouth. These authorizations expire in five years. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Barlow

FHB1232 Special license plates; Big Brothers Big Sisters of America. Authorizes the issuance of special license plates to supporters of Big Brothers Big Sisters of America. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Gear

FHB1280 Special license plates; Supporters of the Shenandoah National Park Association. Authorizes issuance of special license plates for supporters of the Shenandoah National Park Association. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill is incorporated into HB 385.

Patron - Athey

FHB1324 Definitions of certain terms as used in Title 46.2; speed limits in business and residence districts. Provides definitions of "arterial highways," "collector highways," and "local highways," and revises the definition of "residence district" as those terms are used in Title 46.2 of the Code of Virginia and provides how the maximum speed limit is to be determined for certain highways that divide business and residence districts. The purpose of the bill is to bring the Code into compliance with the opinion of the Virginia Supreme Court in *Brooks v. Painter* (225 Va 400).

Patron - Petersen

FHB1329 Parking in Fairfax and Prince William Counties. Allows governing bodies of Fairfax County and towns within it and Prince William County by ordinance to regulate or prohibit parking of trailers or semitrailers (regardless of whether they are attached to another vehicle) and vehicles primarily used for commercial purposes if they have a registered gross weight of 6,000 pounds or more.

Patron - Bolvin

FHB1334 "Photo-red programs." Allows Fredericksburg to have a "photo-red" traffic light signal enforcement program. This bill is incorporated into HB 423.

Patron - Orrock

FHJ250 Motor vehicle safety inspection. Establishes a joint subcommittee to study the Commonwealth's system of motor vehicle safety inspection. In conducting its study, the joint subcommittee may consider all aspects of the safety inspection system, related laws and regulations as it deems necessary, including but not limited to, the following: (i) training required of safety inspectors, (ii) scope of the safety inspection, (iii) costs typically incurred by inspection station operators in performing the inspection, (iv) propriety of the safety inspection fees, (v) propriety of the present rules and regulations governing inspection station operators, and (vi) state oversight of safety inspection stations.

Patron - Byron

FSB3 Four-for-life. Increases, effective July 1, 2002, from two dollars per year (two-for-life) to four dollars per year (four-for-life) the motor vehicle registration surcharge used to

provide funding for public safety and emergency response purposes.

Patron - Reynolds

FSB7 Special license plates commemorating the coming of the first Africans to Virginia in 1619. Authorizes the issuance of special license plates commemorating the coming of the first Africans to Virginia in 1619. This bill is incorporated into HB 385.

Patron - Miller; Y.B.

FSB22 Special license plates; printers. Authorizes the issuance of special license plates for printers. This bill is incorporated into HB 385.

Patron - Stosch

FSB41 "Photo-red" traffic light signal enforcement program. Adds Blacksburg, Charlottesville, Newport News, Manassas, Manassas Park, Fredericksburg, James City County, York County, and Albemarle County to the list of localities authorized to have "photo-red" traffic light signal enforcement programs. This bill requires a law-enforcement officer of the locality to certify a traffic light violation. It prohibits use of a monitoring system that records a vehicle lawfully entering an intersection, unless this recording is incidental to the recording of a violation using video. It requires localities to maintain a minimum timing for yellow lights and to notify citizens prior to the implementation of such a system. This bill removes the sunset date.

Patron - Marye

FSB62 Driver's licenses, commercial driver's licenses, and special identification cards; use of thumbprints or other biometric identifiers required. Requires use of thumbprints or other biometric identifiers (as determined by the DMV Commissioner) in connection with driver's licenses, commercial driver's licenses, and special identification cards. These provisions would only apply to driver's licenses, commercial driver's licenses, special identification cards, and applications therefor issued or submitted on or after July 1, 2004. This bill incorporates SB 376.

Patron - Watkins

FSB163 Motor vehicle registration. Requires applicants for registration of insured motor vehicles to provide the Department of Motor Vehicles with the insurance policy numbers applicable to those vehicles.

Patron - Byrne

FSB213 Special license plates; members of BoatUS. Authorizes the DMV Commissioner to issue to members and supporters of BOAT US special license plates bearing the legend: BOATUS MEMBER. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Ticer

FSB282 Special license plates; members of the Blue Knight organization. Authorizes the issuance of special license plates to members of the Blue Knight organization. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Hawkins

FSB340 Special license plates bearing the legend: FOX HUNTING. Authorizes the issuance of special license plates bearing the legend: FOX HUNTING. These plates would be subject to standard fees and prepaid application

requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Ruff

FSB348 Failure to exhibit driver's license; fingerprint. Requires the owner or operator of a motor vehicle to allow the imprinting of his finger on a summons if he fails to exhibit his driver's license when requested to do so by a law-enforcement officer and the officer has reason to question the proof of identity offered by the person. The bill also provides that the officer shall remove the fingerprint from the summons six months from the date of issuance of the summons or case disposition whichever is later.

Patron - Potts

FSB368 Special license plates; retired members of the United States Air Force. Authorizes the issuance of special license plates for retired members of the United States Air Force. These plates would be distinct from the plates already authorized for active duty and reserved armed forces members and would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Blevins

FSB370 Special license plates; Relay for Life. Authorizes the issuance of special license plates to supporters of the Relay for Life. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 89.

Patron - Blevins

FSB376 Driver's licenses. Requires a driver's license application to include the applicant's county, city, or town of residence, whether he is a U.S. citizen, and his thumbprints or index fingerprints. This bill is incorporated into SB 62.

Patron - Norment

FSB437 Special license plates; members and supporters of the NASA Langley Research Center. Authorizes the issuance of special license plates to members and former members of the NASA Langley Research Center. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 89.

Patron - Williams

FSB452 Injuring signs. Clarifies that "legally posted sign" includes street signs and raises the punishment for injuring or stealing the signs from a Class 2 to a Class 1 misdemeanor.

Patron - Puckett

FSB455 Special license plates; supporters of youth soccer. Authorizes the issuance of special license plates for supporters of youth soccer. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Saslaw

FSB498 Special license plates; Rotary International. Authorizes issuance of special license plates for members of Rotary International. This bill is incorporated into HB 385.

Patron - Watkins

FSB548 "Photo-red" traffic light signal enforcement programs. Authorizes the Town of Leesburg to establish a "photo-red" traffic light signal enforcement program.

Patron - Mims

FSB583 Special license plates; crime prevention. Authorizes the issuance of special license plates bearing the Internet address of the Virginia Crime Prevention Association and the legend: CRIME PREVENTION. This bill is incorporated into HB 385.

Patron - Barry

FSB598 School buses. Eliminates the requirement that school buses be yellow.

Patron - Hawkins

FSB603 Special license plates; recipients of the Air Medal or Air Medal with "V" for valor. Authorizes the issuance of special license plates for recipients of the Air Medal or Air Medal with "V" for valor. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill is incorporated into HB 89.

Patron - Williams

FSB657 Special license plates; supporters of the Washington Redskins football team. Authorizes the issuance of "revenue sharing" license plates to supporters of the Washington Redskins football team. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Washington Redskins Leadership Council to be spent on community programs. This bill is incorporated into HB 385.

Patron - Mims

FSJ234 Data collection methodology. Requests the Virginia Department of Motor Vehicles, working in conjunction with the Department of State Police and other law-enforcement agencies, to develop a data collection methodology that will make it possible to create a better reporting mechanism to accurately capture the contributing factors in crashes resulting from drivers who are inattentive or distracted, or both.

Patron - Norment

FSR5 Data collection methodology. Requests the Virginia Department of Motor Vehicles, working in conjunction with the Department of State Police and other law-enforcement agencies, to develop a data collection methodology that will make it possible to create a better reporting mechanism to accurately capture the contributing factors in crashes resulting from inattentive and/or distracted drivers.

Patron - Norment

Carried Over

CHB116 Sale of motor vehicles by unlicensed persons. Provides that prohibition on sale of motor vehicles by persons not licensed as motor vehicle dealers or salespersons does not apply to owners of parking lots and other real property who have taken reasonable steps to prevent the use of their property for the display and sale of motor vehicles by unlicensed persons.

Patron - Pollard

CHB236 Colored warning lights on law-enforcement vehicles. Eliminates the requirement that colored warning lights on Department of Corrections vehicles and law-enforcement vehicles be of types approved by the Superintendent of State Police.

Patron - Gear

CHB348 Flashing of headlights on certain vehicles. Allows emergency vehicles to use flashing headlights when-

ever their warning lights are activated. Under current law, they cannot use flashing headlights at night.

Patron - Rapp

CHB368 Disregarding signal by law-enforcement officer to stop; eluding police; penalty. Provides that any person who, having received a visible or audible signal from any law-enforcement officer to bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such signal or who attempts to escape or elude such law-enforcement officer, is guilty of a Class 6 felony (formerly a Class 3 misdemeanor) and provides further that if an injury results from the offense, the person is guilty of a Class 5 felony, and if a death results from the offense, the person is guilty of a Class 4 felony.

Patron - Cosgrove

CHB393 Salvage vehicles. Requires that all salvage vehicles that are repaired or rebuilt for over-the-road use have titles permanently branded to show that they are "rebuilt vehicles." There are also editorial and technical changes.

Patron - Wardrup

CHB421 Motor vehicle dealers. Repeals the provision of § 46.2-1500 that exempts persons who sell and distribute fire-fighting equipment, ambulances, and funeral vehicles from having to be licensed as motor vehicle dealers.

Patron - McQuigg

CHB798 Driver's license; fingerprinting non-U.S. citizens. Requires non-U.S. citizens who wish to obtain a driver's license to submit to a computerized scan of their finger image at the Department. The Department is required to implement a system to carry out this provision.

Patron - Bolvin

CHB807 Speeding; use of "photo-radar" technology. Authorizes the use of photo-radar technology in identifying and prosecuting persons for speeding. The structure and provisions of the bill very closely parallel use of "photo-red" technology to identify and prosecute persons who fail to comply with traffic light signals, except that this bill applies to all counties, cities, and towns, whereas the "photo-red" program is authorized only for a limited number of localities.

Patron - Almand

CHB808 Use of certain wireless communication devices by drivers while vehicle is in motion; civil penalty; reporting requirement. Provides that the driver of a motor vehicle is prohibited from using any hand-held wireless communication device while his vehicle is in motion, unless the device is equipped for hands-free operation and the driver is so operating the hands-free equipment. Anyone violating this section is subject to a \$25 civil penalty. Law-enforcement agencies are required to maintain a record of hand-held wireless communication device-related accidents.

Patron - Almand

CHB809 Vehicle safety inspections. Provides that making appointments to have safety inspections performed by authorized stations is neither required nor prohibited.

Patron - Plum

CHB871 Overweight permits for vehicles hauling timber. Applies, mutatis mutandis, the provisions of § 46.2-1143 (overweight permits for coal haulers), including penalties, to overweight permits for timber haulers.

Patron - Phillips

CHB872 Salvage vehicles. Requires that the title of any vehicle declared a total loss by an insurance company as part of the claims process must be branded by DMV to indicate that it is a salvage vehicle.

Patron - Phillips

CHB1029 Restoration of privilege of operating motor vehicle to persons convicted under the Habitual Offender Act. Provides that a nonresident of Virginia may petition any circuit court for restoration of his driving privilege. The current option for the filing of the petition is the court where he was declared an habitual offender.

Patron - Moran

CHB1231 Vehicle safety inspections. Allows any person who is a student in good standing attending a training program in automotive mechanics certified by either the Automotive Youth Education Systems or the National Automotive Technicians Education Foundation to be approved by the Department of State Police to perform safety inspections.

Patron - Amundson

CHB1310 Damaging highway signs; penalty. Provides that if a person willfully damages any legally posted highway sign and the damage results in or contributes to a motor vehicle accident that results in the death of any person, he is guilty of a Class 5 felony (imprisonment for one to 10 years or jail for up to 12 months and/or a fine of up to \$1,500). This is the same penalty as that provided for involuntary manslaughter.

Patron - Barlow

CSB87 Hand-held mobile telephones. Prohibits the use of hand-held mobile telephones by operators of motor vehicles while the vehicles are in motion. Exceptions are made for emergencies and use of mobile telephones by law-enforcement and emergency service personnel. The bill does not become effective until August 1, 2002, but provides for warnings during July, 2002. This bill is based on legislation passed by the State of New York.

Patron - Marsh

CSB283 Special license plates; Purple Heart. Eliminates all fees for issuance of Purple Heart special license plates.

Patron - Hawkins

CSB456 Special license plates; supporters of the Girl Scouts of America. Authorizes the issuance of special license plates for supporters of the Girl Scouts of America.

Patron - Saslaw

CSB499 Special license plates; military combat units with at least 50 but no more than 350 members; fees. Provides for the issuance by DMV of special license plates for current or former members of current or former military combat units that have at least 50 but fewer than 350 members. In addition to the prescribed registration fee, such special license plates would be subject to an annual fee of ten dollars and an additional one-time fee of \$10.

Patron - Watkins

Notaries and Out-of-State Commissioners

Passed

PHB469 Notary public. Requires that the identity of each person subject of a notarial act be identified by passport, certificate of citizenship or naturalization, alien registration card, driver's license, state-issued identification card, or military identification card unless such person is known by the notary.

Patron - Suit

Failed

FHB627 Notaries public; educational requirements. Requires applicants for notary public to, within one year of making application, complete at least three hours of interactive or classroom instruction, including electronic notarization, covering the duties of the notary public. Courses satisfying this requirement may be offered by any public or private institution or entity registered with the Secretary of the Commonwealth and shall include a core curriculum approved by the Secretary of the Commonwealth.

Patron - O'Brien

Oaths, Affirmations and Bonds

Passed

PHB55 Deletion of obsolete references. Strikes obsolete references to the Chancery Court of the City of Richmond and changes obsolete reference to "county or corporation" to "county or city." This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151.

Patron - Landes

Partnerships

Passed

PSB244 Partnerships. Clarifies and corrects various provisions of the Virginia Revised Uniform Limited Partnership Act and the Virginia Uniform Partnership Act. An obsolete provision regarding the conversion of a general partnership to a limited partnership is repealed. The identity and capacity of persons executing statements is required to be included on the statement. Several requirements for registration of foreign limited partnerships are conformed to corresponding requirements imposed on other types of foreign business entities. The payment of outstanding penalties is made a condition to the filing of limited partnership documents, and payment of annual continuation report filing fees is made a condition to the filing of limited liability partnership documents.

Patron - Wampler

Pensions, Benefits and Retirement

Passed

PHB26 Virginia Retirement System; employer payment of member contributions. Increases from three years to six years (or for such other period of time as approved by VRS upon request) the period of time within which employers choosing to pay a portion of members' contributions must begin paying the entire amount of members' contributions.

Patron - Callahan

PHB71 Virginia Retirement System; deferred compensation plan and cash match plan. Makes numerous technical amendments to the Government Employees' Deferred Compensation Plan and creates a new, separate chapter for state and local cash match plans.

Patron - Putney

PHB80 Virginia Retirement System; payment of life insurance and retirement benefits. Makes technical changes to the life insurance and retirement programs administered by the Virginia Retirement System.

Patron - Tata

PHB197 Virginia Sickness and Disability Program. Enrolls certain state employees into the Virginia Sickness and Disability Program (VSDP) unless such employees opt not to be enrolled. Members of the Virginia Retirement System, the State Police Officers' Retirement System, the Virginia Law Officers' Retirement System, certain part-time employees of the Commonwealth, and employees of higher education participating in the Retirement System, who are not already participating in the program, will be automatically enrolled into the VSDP unless such persons provide written notice to VRS of their decision not to participate. In general, the opt-out period will run from October 1, 2002, through December 31, 2002, and VSDP coverage will be effective January 10, 2003. Employees of higher education commencing employment on or after October 1, 2002, who are employed in a faculty position performing teaching, research or administrative duties, who elect to participate in VRS for their pension plan, have 60 days to elect participation VSDP or the institution's sickness and disability program beginning with their first date of employment. Any person enrolled into the VSDP will have his sick leave balances converted to disability credits at the rate of one hour of disability credit for each hour of sick leave. The bill only applies to employees who currently are not participating in the VSDP; the bill does not affect employees who previously elected to enroll in the VSDP or who were enrolled by effect of law. The bill also authorizes VRS to provide a long-term care insurance program for members of the VSDP.

Patron - Callahan

PHB578 Virginia Retirement System; partial lump-sum payment option. Provides that lump-sum distributions of retirement benefits, elected by certain eligible retirees under VRS, shall be paid without regard to limitations on the annual benefit amount that can be received under VRS. The bill also provides that no member of VRS may make an election for a lump-sum distribution more than once in his lifetime.

Patron - May

PHB1137 Retirement; teachers. Changes the conditions under which retired teachers are permitted to return to

teaching without interrupting their retirement benefits by (i) permitting such even if the retiree is receiving retirement benefits from an early retirement incentive program, (ii) specifying that such retirees must have been receiving retirement benefits for a period of at least 30 days before returning to a teaching position, and (iii) requiring that the teacher be hired pursuant to a contract that does not exceed one year in duration. Current law (a) prohibits such continuation of retirement benefits if any portion of the retirement benefits is based on an early retirement incentive program, (b) directs the Joint Legislative and Audit Review Commission and the Board of Trustees of the Virginia Retirement System to determine the period of time for eligibility that a retiree must have received retirement benefits before returning to teach; and (c) does not specify the duration of the teacher's contract. The provisions of the bill are made subject to the receipt of a written ruling from the Internal Revenue Service that affirmatively states that the provisions of the bill will not in any way adversely affect the qualified plan status of the Virginia Retirement System under federal law.

Patron - Dillard

PHB1320 Retirement; teachers. Changes the conditions under which retired teachers are permitted to return to teaching without interrupting their retirement benefits by (i) permitting such even if the retiree is receiving retirement benefits from an early retirement incentive program, (ii) specifying that such retirees must have been receiving retirement benefits for a period of at least 30 days before returning to a teaching position, and (iii) requiring that the teacher be hired pursuant to a contract that does not exceed one year in duration. Current law (a) prohibits such continuation of retirement benefits if any portion of the retirement benefits is based on an early retirement incentive program, (b) directs the Joint Legislative and Audit Review Commission and the Board of Trustees of the Virginia Retirement System to determine the period of time for eligibility that a retiree must have received retirement benefits before returning to teach; and (c) does not specify the duration of the teacher's contract. The provisions of the bill are made subject to the receipt of a written ruling from the Internal Revenue Service that affirmatively states that the provisions of the bill will not in any way adversely affect the qualified plan status of the Virginia Retirement System under federal law.

Patron - Christian

PHB1332 Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund. Makes several changes to the Fund including (i) providing that general fund contributions made on behalf of members shall be distributed based upon the number of years of a member's service as a volunteer rescue squad member or firefighter; (ii) changing from 20 to 10 the years of service required for maximum distributions from the Fund; (iii) changing the cost to purchase prior service from \$10 per month for every month purchased to an amount as established by the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board; and (iv) eliminating the requirement that prior eligible service be purchased within 180 days of the date of the establishment of the Fund.

Patron - Bolvin

PSB120 Virginia Sickness and Disability Program. Enrolls certain state employees into the Virginia Sickness and Disability Program (VSDP) unless such employees opt not to be enrolled. Members of the Virginia Retirement System, the State Police Officers' Retirement System, the Virginia Law Officers' Retirement System, certain part-time employees of the Commonwealth, and employees of higher education participating in the Retirement System, who are not already participating in the program, will be automatically enrolled into the VSDP unless such persons provide written notice to VRS of their decision not to participate. In general, the opt-out period

will run from October 1, 2002, through December 31, 2002, and VSDP coverage will be effective January 10, 2003. Employees of higher education commencing employment on or after October 1, 2002, who are employed in a faculty position performing teaching, research or administrative duties, who elect to participate in VRS for their pension plan, have 60 days to elect participation VSDP or the institution's sickness and disability program beginning with their first date of employment. Any person enrolled into the VSDP will have his sick leave balances converted to disability credits at the rate of one hour of disability credit for each hour of sick leave. The bill only applies to employees who currently are not participating in the VSDP; the bill does not affect employees who previously elected to enroll in the VSDP or who were enrolled by effect of law. The bill also authorizes VRS to provide a long-term care insurance program for members of the VSDP.

Patron - Stosch

PSB121 Pensions; Virginia Retirement System. Makes technical changes to the retirement plans administered by the Virginia Retirement System to comply with federal tax and pension laws.

Patron - Stosch

PSB176 Retirement; defined contribution plan. Eliminates (i) the requirement that withdrawals from the plan must be made within 90 days of termination by participating political appointees and (ii) the requirement that newly hired school superintendents must make their elections to participate in the plan within 30 days of being hired.

Patron - Miller, K.G.

PSB565 Virginia Retirement System; retirement benefits for law-enforcement employees. Clarifies (i) that the enhanced retirement benefits for a law-enforcement employee are available only after the employee has earned five or more years of creditable service in a law-enforcement position and (ii) that a retired law-enforcement officer cannot return to work as a law-enforcement officer and then choose to retire with different retirement benefits, unless he returns to work for at least five years. The bill also conforms the death in service benefits for local law-enforcement and fire employees with those provided to state law-enforcement employees.

Patron - Stolle

Failed

FHB682 Virginia Retirement System; purchase of service credit. Permits any member in service who (i) is involuntarily terminated from his job with a county for any reason other than for his own conduct, (ii) is within five years of being eligible for an unreduced service retirement allowance at the time of such termination, and (iii) at the time of such termination, is employed by a county that has suffered job losses of 10 percent or more due to federal trade policies since 1993, to purchase up to five years of creditable service at the rate of five percent of his creditable compensation or five percent of his average final compensation, whichever is greater, for each year purchased.

Patron - Hurt

FHB873 State Police Officers' Retirement System. Increases from 1.70 to two, at the election of the member, the percentage of average final compensation that is multiplied by the amount of creditable service in determining the amount of the retirement allowance for certain members of the State Police Officers' Retirement System. Any member who elects the higher percentage becomes ineligible to receive the supplemental allowance now provided from the date of his retirement

until his retirement age as defined under the Social Security Act.

Patron - Phillips

FHB1046 Disability benefits; firefighters. Requires localities to provide cost of living adjustments to firefighters' disability allowances.

Patron - Darner

FHB1111 Deferred retirement option program. Establishes a deferred retirement option program for teachers eligible to retire under VRS with unreduced benefits. Under the program, a teacher will continue working during the period of his participation in the program, not to exceed five years, during which time a percentage of the amount of the monthly retirement benefits that he would have received if he had retired instead of enrolling in the program is deposited in an account. The percentage, determined at an amount that ensures that the program does not affect employer contribution rates, shall not exceed 100 percent. The account balance, with interest, shall be paid to a participating teacher when he retires. This is an optional program.

Patron - Christian

FSB80 Virginia Law Officers' Retirement System; deputy sheriffs. Makes deputy sheriffs members of the Virginia Law Officers' Retirement System under certain conditions, including the election of such by the respective sheriff. Funding for such membership shall be provided by the Compensation Board.

Patron - Wampler

FSB491 Virginia Law Officers' Retirement System (VaLORS); membership. Adds as members in VaLORS probation and parole officers of the Department of Juvenile Justice and security or investigative officers of the State Lottery Department.

Patron - Newman

Carried Over

CHB141 Virginia Law Officers' Retirement System; membership. Expands membership in the Virginia Law Officers' Retirement System to include sworn members of the enforcement division of the Department of Motor Vehicles.

Patron - Abbitt

CHB221 Virginia Law Officers' Retirement System; deputy sheriffs. Expands the definition of "employee" to include deputy sheriffs, making such individuals members of the Virginia Law Officers' Retirement System.

Patron - Carrico

CHB241 Disability benefits; state employees. Excludes military disability benefits from offsetting the amount of disability benefits due state employees.

Patron - Cox

CHB321 Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by increasing the percentage of average final compensation that is multiplied by the amount of creditable service (i) from two percent to 2.5 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to two percent for all others.

Patron - Callahan

CHB525 Virginia Law Officers' Retirement System. Increases from two to 2.7, the percentage of average final compensation that is multiplied by the amount of creditable service in determining the amount of the retirement allowance for certain members of the Virginia Law Officers' Retirement System.

Patron - Devolites

CHB526 Retirement benefits; local police departments. Provides that members of local police retirement systems may retire after 25 years of service regardless of age, and provides an additional retirement allowance for each year served in excess of 25 years. Current law permits retirement with 20 years of service and at least 50 years of age, and provides an additional allowance for such individuals for each year in excess of 20 years of service.

Patron - Devolites

CHB690 Deferred compensation plan for government employees. Provides that the Commonwealth shall transfer funds to teachers' deferred compensation accounts in the same amounts and pursuant to the same conditions that such transfers and credits are available at the time for state employees and directs the Virginia Retirement System to work with local school superintendents to develop appropriate procedures.

Patron - Tata

CHB877 Retirement; creditable compensation for teachers. Provides that creditable compensation for teachers may include remuneration for extra duties and remuneration for teaching on a contractual basis during the summer or after normal daytime school hours.

Patron - Phillips

CHB927 Retirement benefits; state and local law-enforcement employees and fire fighters. Provides that the supplemental allowance given to most state and local law-enforcement and fire-fighting employees from the date of retirement until the age of 65 (or the age of retirement for social security purposes) shall continue for the life of such members. The bill also removes the requirement that biennial adjustments to the amount of such supplemental allowance must be based upon increases in Social Security benefits.

Patron - Joannou

CHB928 Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by increasing the percentage of average final compensation that is multiplied by the amount of creditable service (i) from two percent to 2.5 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to two percent for all others.

Patron - Joannou

CHB946 Virginia Law Officers' Retirement System; deputy sheriffs. Makes deputy sheriffs members of the Virginia Law Officers' Retirement System under certain conditions, including the election of such by the respective sheriff. Funding for such membership shall be provided by the Compensation Board.

Patron - Weatherholtz

CHB950 Virginia Law Officers' Retirement System; Department of Corrections special agents. Expands the definition of "employee" to include special agents of the

Department of Corrections, making such individuals members of the Virginia Law Officers' Retirement System.

Patron - Landes

CHB968 Virginia Law Officers' Retirement System; Department of Corrections special agents. Expands the definition of "employee" to include special agents of the Department of Corrections, making such individuals members of the Virginia Law Officers' Retirement System.

Patron - Jones, D.C.

CHB1048 Retirement; teachers. Changes a condition under which retired teachers are permitted to return to teaching without interrupting their retirement benefits specifying that such retirees must have been receiving retirement benefits for a period of at least 30 days before returning to a teaching position. Current law directs the Joint Legislative and Audit Review Commission and the Board of Trustees of the Virginia Retirement System to determine the period of time for eligibility that a retiree must have received retirement benefits before returning to teach.

Patron - Darner

CHB1050 Health insurance credits; retired local school division employees. Provides the health insurance credit currently provided to retired teachers to all local school board employees retired under the Virginia Retirement System.

Patron - Darner

CSB79 Virginia Retirement System. Increases from the average final compensation used in determining the retirement allowance of members of VRS, including members retiring under a disability.

Patron - Wampler

CSB351 Creditable service; purchased by local governments terminating employment positions. Authorizes any locality (i) in which the civilian labor force equals less than 90 percent of the civilian labor force in the locality in 1993, as determined by the Virginia Employment Commission, and (ii) that is participating directly in the Virginia Retirement System ("VRS"), to purchase up to five years of creditable service for any of its employees, concurrently with the termination of the employee's employment by the locality. The bill only applies to employees whose employment position is terminated on or before July 1, 2004. Creditable service may be purchased only for employees whose position is terminated in the implementation of a plan to reduce the locality's workforce. The plan must be filed with the Virginia Employment Commission. For each year of service purchased, the locality shall pay the sum of the member contribution charged pursuant to § 51.1-144 plus the employer contribution charged pursuant to § 51.1-145, both as in effect at the time of purchase. The locality may not rehire the employee until a period of at least two years has expired subsequent to the employee's termination. The provisions of the bill will become effective only if an Internal Revenue Service ruling determines that the qualified plan status of VRS is not adversely affected by the provisions of the bill.

Patron - Reynolds

CSB430 Retirement allowances and benefits; certain employees of the Virginia Department of Transportation. Provides that any employee of the Department of Transportation whose normal duties require him, on a regular basis, to construct, repair or maintain transportation facilities in Virginia shall be eligible to receive the retirement allowances, benefits, and options provided to law-enforcement officers under the Virginia Law Officers' Retirement System.

Patron - Ruff

CSB517 Virginia Retirement System; normal retirement for local police officers. Provides that local police officers who are members of the Virginia Retirement System with 25 or more years of creditable service in VRS may retire with no actuarial reduction in their retirement benefits and shall receive the annual supplement currently being provided to state police officers.

Patron - Norment

Persons with Disabilities

Passed

PHB9 Persons with mental retardation, developmental disabilities, or mental illness. Revises the external human rights system for persons with mental retardation, developmental disabilities, or mental illness. The Department for Rights of Virginians with Disabilities is removed from the executive branch and becomes an independent state agency renamed the Virginia Office for Protection and Advocacy. The bill creates a governing board for the Office, consisting of 11 members who are appointed by the Governor and the General Assembly for staggered terms. No such appointments shall be members of the General Assembly. This board shall hire the agency director, who shall be an attorney in good standing licensed to practice in Virginia. The Office is given the authority to access facilities and programs, receive notification of deaths in state facilities and to protect the confidentiality of records. The bill establishes an ombudsman program, within the new office, to become effective July 1, 2004, and creates the Protection and Advocacy Fund.

Patron - Hamilton

PHB832 Rehabilitative services; assistive loan fund. Permits the Assistive Technology Loan Fund Authority to make loans available to people with disabilities for entrepreneurial purposes.

Patron - Nixon

PHJ218 Research and new technologies for persons with disabilities. Requests the Secretaries of Technology and Health and Human Resources to work with representatives of technology industries to develop an action plan prescribing renewed partnerships among the Center for Innovative Technology (CIT), the Department of Information Technology (DIT) and rehabilitation agencies, including the Department of Rehabilitation Services, the Department for the Blind and Vision Impaired, the Department for the Deaf and Hard-of-Hearing and the Woodrow Wilson Rehabilitation Center, to strengthen cooperation in advancing research and new technologies to respond to the talents and needs of persons with disabilities. The Secretaries must report their written findings and recommendations to the Governor and the 2003 Session of the General Assembly. This resolution is a recommendation of the Disability Commission.

Patron - Van Landingham

PHJ251 Housing opportunities for persons with disabilities. Encourages the Virginia Disability Commission to make the identification of improved housing opportunities for citizens with disabilities its top priority for the 2002-2003 interim session and to facilitate collaboration among stakeholders to develop recommendations for strengthening intergovernmental and interagency coordination of housing programs for people with disabilities. The Commission is requested to expand its work group to include the participation

and involvement of all federal, state, local and community agencies, organizations and individuals concerned about housing for people with disabilities. In addition, the Commission and its work group are encouraged to develop a Housing Action Plan that (i) identifies the mission, composition, responsibilities, and funding for an intergovernmental, inter-agency coordinating body on housing and disability issues; (ii) identifies actionable strategies consistent with the mission and responsibilities of state housing agencies for the maximizing use of Section 8 programs and other federal housing and housing production programs for individuals with disabilities in Virginia; and (iii) develops a system of incentives and rewards for building accessible housing. The Commission is also encouraged to make use of existing research and presentation opportunities, including the annual state housing conference, to bring about optimal statewide attention to the housing needs of people with disabilities and available federal opportunities. This resolution is identical to HJR 236.

Patron - Bloxom

PSB231 Rehabilitative services; vocational. Revises state code language to reflect changes made in 1998 to the Rehabilitation Act of 1973, as amended. The changes update the list of vocational rehabilitation services, add the new consumer option to develop all or part of the written plan for services with or without the Department of Rehabilitative Services assistance, revise the name of the written plan for services to "Individualized Plan for Employment" to emphasize the plan's goal to achieve an employment outcome and replace the outdated term "sheltered workshop" with "community rehabilitation program."

Patron - Hanger

PSB504 Licensure of providers of services. Grants the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services the authority to issue licenses to providers of day support, in-home support or crisis stabilization services funded through the Individual and Families Developmental Disabilities Support Waiver. The Department of Rehabilitative Services shall collaborate with the Department of Mental Health, Mental Retardation and Substance Abuse Services in activities related to licensing providers of services under such waiver. These activities include involving advocacy and consumer groups who represent persons with developmental disabilities in the regulatory process; training the Department of Mental Health, Mental Retardation and Substance Abuse Services, local human rights committees and the State Human Rights Committee on the unique needs and preferences of individuals with developmental disabilities; assisting in the development of regulatory requirements for such providers; and providing technical assistance in the regulatory process and in performing annual inspections and complaint investigations.

Patron - Bolling

PSB620 Commonwealth Neurotrauma Initiative. Moves the statutory language and responsibilities for the Commonwealth Neurotrauma Initiative from the Commonwealth Neurotrauma Advisory Board and Department of Health to the Commissioner and the Department of Rehabilitative Services. The provisions of the program remain the same except that the Commonwealth Neurotrauma Initiative Trust Fund will be allocated forty-seven and one-half percent for research on neurotrauma, forty-seven and one-half percent for rehabilitative services, and five percent for the Department of Rehabilitative Services' costs for administering and staffing the Commonwealth Neurotrauma Initiative Advisory Board. Enactment clauses repeal the present health provisions, continue the previously appointed Commonwealth Neurotrauma Initiative Advisory Board, and preserve the Board of Health's regulations and

grant application, review, and award procedures until the Commissioner of Rehabilitative Services promulgates regulations.

Patron - Puller

Failed

FHJ253 Joint ventures in technology and rehabilitation. Requests the Secretary of Technology, the Secretary of Health and Human Resources, and representatives of technology industries to develop an action plan prescribing renewed partnerships among the Center for Innovative Technology (CIT), the Department of Information Technology (DIT) and rehabilitation agencies (Departments of Rehabilitative Services, Blind and Vision Impaired and Deaf and Hard-of-Hearing and the Woodrow Wilson Rehabilitation Center) to strengthen cooperation in advancing research and new technology to respond to the talents and needs of persons with disabilities. This initiative is a recommendation of the Disability Commission. This resolution is incorporated into HJR 218.

Patron - McQuigg

Police, State

Passed

PSB39 State Police. Makes certain that the Superintendent of State Police has the authority to promulgate regulations covering a commercial motor vehicle that has a gross vehicle weight or gross combination weight of 10,000 pounds or more. Currently, the Superintendent has the authority on such a vehicle if it has a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or more. The bill also makes a change to reflect the name change of a federal agency.

Patron - Puckett

Carried Over

CHB876 Establishment of State Police special unit for terrorism law enforcement and investigation within Department. Establishes a State Police special unit for terrorism law enforcement and investigation.

Patron - Phillips

CSB280 Virginia Racial Profiling and Traffic Statistics Reporting Act. Requires the Superintendent of State Police to require each local and state police officer, during the course of his official duties, to collect certain information pertaining to traffic stops, including the race, ethnicity, color, age and gender of the alleged traffic offender, and to record the specific reason for the stop, whether the person was interrogated, charged or arrested, and whether a written citation or warning was issued. Police officers must also indicate the specific traffic violation committed. Police officers participating in the collection of such traffic data and information have been granted civil immunity for acts and omissions during the performance of their official duties, absent gross negligence or willful misconduct. The bill also requires the development of a statewide database for collecting, correlating, analyzing, interpreting, and reporting data and information generated through such traffic stop reports. The Superintendent may engage any accredited public institution of higher education in the Commonwealth or an independent body with the experience, expertise, and technical capacity to conduct such research to assist in designing the database, and the collection, analysis, and interpretation of the data. The Superintendent must report the findings and recommendations annually to the Governor, the

General Assembly, and the Attorney General and provide copies to each attorney for the Commonwealth. This act expires on July 1, 2006. Previously, this bill was a recommendation of the Joint Subcommittee Studying the Status and Needs of African American Males in the Commonwealth and the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops.

Patron - Marsh

Prisons and Other Methods of Correction

Passed

PHB540 Sheriffs; courthouse and courtroom security. Provides that each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose.

Patron - Landes

PHB543 Work release; home/electronic incarceration. Eliminates the blanket authority of a jail administrator to assign a person to a work release or home/electronic incarceration program, and instead provides that a sheriff may designate a deputy sheriff or regional jail administrator to assign offenders to work release or home/electronic incarceration programs.

Patron - Bell

PHB596 Department of Corrections; duties. Requires the Department of Corrections to maintain, on each prisoner sentencing information data form, the name of the defendant, the criminal sentencing guideline score, and the criminal sentencing guideline worksheet.

Patron - Moran

PHB711 Transportation of prisoners. Provides that the Department of Corrections shall provide all transportation to and from court for any prisoner in connection with a crime committed within a state correctional facility, or a facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.), unless the affected sheriff and the Department agree on other transportation.

Patron - Armstrong

PHB1179 Superintendents and jail officers; fees for transportation, etc. Allows superintendents and jail officers to charge reasonable fees for security, supervision and transportation provided for prisoners taken to a funeral or graveside service.

Patron - Hurt

PHB1288 Sheriffs; payment to defray cost of jail confinement. Clarifies that payments made to defray costs of weekend and nonconsecutive days in jail are to be remitted to the treasurer of the appropriate county or city and that such assessment is in addition to any other fees prescribed by law.

Patron - Purkey

PHB1298 Processes for notification regarding restoration of civil rights. Requires the Director of the Department of Corrections to provide notice to felons on completion of sentence of the processes to apply for restoration of voting rights and civil rights. The bill requires the Director to compile information on the Department's compliance with the notification requirements on an annual basis, and it requires the

Supreme Court to ensure that standardized petition forms are available at all circuit court clerks' offices.

Patron - Moran

PHJ99 Department of Corrections Academy for Staff Development. Requests the State Board of Corrections to name the Department of Corrections Academy for Staff Development located at 1900 River Road West in Crozier, Virginia in honor of the late Paul W. Keve. Mr. Keve had a distinguished career in the field of corrections as a scholar, instructor, and administrator.

Patron - Bloxom

PSB587 Board of Corrections; extraordinary service credits for prisoners. Allows the Board of Corrections to grant extraordinary service credits to state-responsible prisoners confined in local correctional facilities in the same manner as those confined in state correctional facilities.

Patron - Norment

PSB647 Parole Board. Allows the Parole Board to be composed of up to five members (currently, it is five members), requires that the Chairman be a full-time state employee, and allows the Governor to designate no more than two other members as full-time state employees. The other members, if any, are part-time state employees. The bill also requires the Board to notify the attorney for the Commonwealth of the sentencing jurisdiction by certified mail at least 21 business days prior to release on parole of any inmate convicted of a felony and sentenced to a term of 10 or more years, and to endeavor diligently to contact the victim prior to making any decision to release any inmate on discretionary parole. However, in the case of parole granted for medical reasons, where death is imminent, the attorney for the Commonwealth may be notified by telephone or other electronic means prior to release.

Patron - Miller; Y.B.

PSB687 Stores or commissaries in local correctional facilities. Clarifies that funds from the operation of a store, commissary or inmate telephone program in local correctional facilities shall be considered public funds.

Patron - Stolle

PSB693 Courthouse and courtroom security; assessment. Provides that each sheriff shall designate deputies for the purpose of ensuring that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption. Additionally, the bill provides that any county or city may assess a sum not in excess of five dollars as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted. The assessment shall be collected by the clerk of the court, remitted to the treasurer and held by the treasurer subject to appropriation by the governing body to the sheriff's office for the funding of courthouse security. The assessment provision shall expire on July 1, 2004.

Patron - Stolle

Failed

FHB633 Virginia Correctional Enterprises; purchases by certain state entities. Provides that departments, institutions and agencies of the Commonwealth are required to purchase articles and services manufactured or produced by state inmates if the articles have been determined by these entities to be available and of a competitive quality and price.

Patron - O'Brien

FSB605 Parole Board; membership. Reduces the Parole Board to three members. This bill contains technical amendments consistent with the recodification of Title 2.2. This bill is incorporated into SB 647.

Patron - Marye

FSB649 Interstate Compact for the Supervision of Adult Offenders. This bill establishes a new interstate compact to replace the existing Compact. The Compact takes effect on the later of July 1, 2002, or the date that 35 states adopt the Compact. Under the new Compact, an Interstate Commission is created. The Commission's duties include establishing uniform procedures to manage the movement of adult offenders under community supervision between participating states; ensuring the opportunity for input and providing a timely notice to victims and jurisdictions where offenders are authorized to travel or relocate across state lines; establishing a uniform data collection system; monitoring compliance of interstate movement of offenders and initiating interventions to address noncompliance; and coordinating training programs regarding interstate movement for officials involved in such activities. Each Compacting State is responsible for supervision of adult offenders in its communities who are authorized by the Compact to travel across state lines. Such responsibilities include tracking the location of offenders, transferring supervision, and returning offenders to originating jurisdictions. The bill also creates a council to oversee the operations of the compact within Virginia.

Patron - Rerras

Carried Over

CHB60 Restoration of the civil right to be eligible to register to vote to certain persons. Revises the procedure for seeking restoration through a petition to the circuit court by eliminating the requirement that the petitioner wait five or more years after completion of sentence, probation, and parole before filing the petition.

Patron - Jones, J.C.

CHB70 Corrections; medical costs. Requires the State, in its annual appropriation to local correctional facilities, to compensate localities for two-thirds of the extraordinary medical costs incurred for treatment provided to state-responsible inmates. Such costs will be determined by the excess over the average medical cost per inmate day as determined by the Compensation Board.

Patron - Jones, J.C.

CHB805 Department of Corrections; inmate collect call system. Provides that any commission or rebate received or realized by the Department of Corrections from a contractor providing inmate telephone services shall be used to reduce the surcharge or rates paid for inmate calls under any inmate collect call system beginning July 1, 2003. The Department of Corrections is required to negotiate a plan to reduce the surcharge or rates without costs to the contractor providing inmate telephone services.

Patron - Almand

CHB1115 Department of Corrections; inmate collect call system. Provides that any commission or rebate received or realized by the Department of Corrections, or by any state, local or regional correctional facility from a contractor providing inmate telephone services shall be used to reduce the surcharge or rates paid for inmate calls under any inmate collect call system.

Patron - Crittenden

CSB642 Deferral and dismissal; community-based corrections program. Expands the section allowing a misdemeanor charge to be discharged and dismissed if the defendant fulfills the terms and conditions of his probation even though the facts justify a finding of guilt. The bill allows discharge and dismissal for any misdemeanor whereas current law includes certain property crimes only. The bill also allows a judge to order successful completion of a community-based corrections program as a term or condition of probation for discharge and dismissal. Under current law a person must be convicted before being sentenced to a community corrections program.

Patron - Watkins

Professions and Occupations

Passed

PHB44 Health professions; pronouncement of death. Allows registered nurses, in situations meeting explicit criteria, to pronounce death when they are employed by a hospital or nursing home. State-operated hospitals are to be considered hospitals for these purposes. Registered nurses employed by home health organizations, hospices or the Department of Corrections may already pronounce death. Specific criteria are established in this law for those patients who may be pronounced dead by registered nurses, i.e., those patients whose deaths were expected, who had valid do not resuscitate orders and who were under the care of a physician who could not be present within a reasonable period of time. The nurse is required to notify the patient's attending and consulting physicians as soon as practical.

Patron - Hamilton

PHB127 Minors' consent to treatment for substance abuse. Provides that a parent, legal guardian or person standing in loco parentis will not be prevented from obtaining the results of a minor's nondiagnostic drug test when the minor is not receiving care, treatment or rehabilitation for substance abuse.

Patron - Rollison

PHB154 Health; certain unused drugs provided to free clinics. Permits nursing homes to enter into voluntary agreements with pharmacists to return any drugs that are no longer necessary for their residents in order that the pharmacy may dispense such drugs to the indigent, free of charge, subject to certain restrictions. The drugs must be in the manufacturers' original sealed containers or sealed individual dose or unit dose package and the return must comply with federal law. Only an authorized person will accomplish the physical transfer, consent must be obtained from the relevant patient or his authorized representative for return of the medication, the expiration date remains, all identifying data relating to the patient for whom the drug was dispensed must be removed, inventories must accompany the transferred drugs, and outdated drugs cannot be transferred and must be destroyed according to the Board's regulations. The pharmacist-in-charge at the participating pharmacy will be responsible for determining the suitability of the drug for redispensing. Prescriptions dispensed for Medicaid or children's health insurance program recipients cannot be donated. The Board of Pharmacy shall promulgate emergency regulations to implement the program.

Patron - Van Yahres

PHB213 Board of Medicine regulations. Requires the Board of Medicine to promulgate regulations governing the

practice of medicine related to the administration of anesthesia in physicians' offices. This bill notes the Boards authority, pursuant to § 54.1-2400, to establish the qualifications for registration, certification or licensure that is necessary to ensure competence and integrity to engage in the regulated practice. In compliance with the second enactment, the Board is required to promulgate emergency regulations to implement this provision. In doing so, the Board must solicit and respond to public comment prior to adoption.

Patron - O'Bannon

PHB217 Advisory boards to the Board of Medicine and membership on certain disciplinary committees and panels. Revises the names, appointing authority, and membership of various advisory boards to the Board of Medicine to provide consistency. All statutorily established "committees" are renamed as advisory boards with five members to be appointed by the Governor. In addition, various statutes are amended to provide for inclusion of one member of the relevant advisory board on the disciplinary body when the respondent holds a license or certificate authorizing practice in the profession represented by the relevant advisory board. The advisory board member of the disciplinary committee or panel will have full voting privileges.

Patron - O'Bannon

PHB337 Professions and occupations; wax technicians. Provides a definition and license program for wax technicians (persons who remove hair from the follicle using a wax depilatory or by tweezing), waxing salons, and waxing schools, and provides procedures for endorsement based on training or practical experience.

Patron - Hamilton

PHB375 Pawnbrokers; daily reports. Allows the Town of Front Royal, described by population, to require a pawnbroker to electronically maintain and file the mandated daily report consisting of goods, articles or things pawned or pledged.

Patron - Athey

PHB487 Practice of pharmacy. Provides two exceptions from the requirements for the practice of pharmacy for practitioners of medicine or osteopathy relating to obtaining prescription drugs without charge for indigent patients, i.e., through pharmaceutical manufacturers' indigent programs and through donations from other entities. Practitioners who participate in pharmaceutical manufacturers' indigent programs in which the manufacturer donates a stock bottle of the prescription drug that is to be dispensed to an indigent patient are provided authority to dispense such drugs. The labeling and packaging standards will apply (packaging can be changed by the practitioner or the patient) and the drug cannot be used for any other purpose, unless the manufacturer authorizes dispensing to another indigent patient. Practitioners may, in lieu of dispensing directly to the patient, transfer the stock bottle to a pharmacy participating in the indigent program. The participating practitioner and the pharmacy are prohibited from charging the patient a fee for the medication. A reasonable dispensing or administrative fee to offset the cost of dispensing may be charged, not to exceed the comparable allowable fee reimbursed by the Virginia Medicaid program; however, if the patient is unable to pay the dispensing or administrative fee, this fee must be waived. In addition, practitioners of medicine or osteopathy are authorized to provide controlled substances to their own patients in free clinics without charge when the drugs have been donated by an entity other than a pharmaceutical manufacturer. The practitioner must first obtain a controlled substances registration and will be required to comply with the existing labeling and packaging requirements. Enactment

clauses require emergency regulations and mandate that the Board of Pharmacy advise and assist free clinics in revolving issues relating to the practice of pharmacy and the Drug Control Act. This bill is identical to SB 145.

Patron - Broman

PHB494 Professions and occupations; itinerant merchants; sale of regulated products; penalty. Provides that no itinerant merchant shall offer for sale or knowingly permit the sale of baby food, infant formula, or any nonprescription drug. The provisions of this section shall not apply to a person who keeps available for public inspection a written authorization identifying himself as an authorized representative of the manufacturer or distributor of such product, provided such authorization is not false, fraudulent, or fraudulently obtained. The bill defines "baby food" and "non-prescription drug" and provides for the penalty for violation.

Patron - Reid

PHB531 Department of Professional and Occupational Regulation; tattoo parlors and body-piercing salons. Provides for the licensure of tattoo parlors, body-piercing salons and those individuals who practice tattooing or body piercing by the Board of Barbers and Cosmetology. The bill requires the Board to adopt regulations establishing the requirements for licensure of any tattoo parlor, body-piercing salon and those individuals who practice tattooing or body piercing. Currently, these establishments are regulated at the local level. The bill removes the authority of localities to regulate tattoo parlors and body-piercing salons.

Patron - Devolites

PHB534 Health professions; substance abuse counselors. Removes the deemed certification language for those persons who meet the certification standards for a certified substance abuse counselor in effect prior to July 1, 2001. Current law provides that those persons who are certified under the standards in effect prior to July 1, 2001, will be deemed to hold certification at the appropriate level under the new provisions, when adopted, unless such certification is suspended or revoked. This language is struck; however, retained language requires the Board to certify individuals who applied before the new certification regulations became effective if they met the requirements in place prior to July 1, 2001. Thus, the deeming language is no longer necessary.

Patron - Devolites

PHB625 Practice of pharmacy. Provides greater flexibility in the practice of pharmacy to be consistent with current health care practice trends while still providing sufficient safeguards for the integrity of controlled substances and patient safety. This bill changes the definition of the "pharmacy" to include any establishment in which drugs, medicines or medicinal chemicals are dispensed or offered for sale and, thereby, authorizes pharmacists to practice in locations other than permitted pharmacies, e.g., in a clinical oncology practice providing chemotherapy; softens the restrictions on the use of chart orders with multiple prescriptions to allow for such orders for home infusion and hospice patients; clarifies that a combination of manual and automated recordkeeping may be used, so long as the required prescription information is maintained and retrievable; and authorizes alternate delivery sites for prescriptions, such as "drop stations" where patients may pick up the drugs from a central location.

Patron - Morgan

PHB629 Department of Professional and Occupational Regulation; summary suspension of boxing license. Authorizes the Department of Professional and Occupational Regulation to suspend the license of a boxer without a hearing

or informal fact-finding conference when warranted by the medical condition of the boxer or when there is substantial danger to the public health or safety. The hearing or conference must be initiated simultaneously with the summary suspension and be scheduled within a reasonable time of the date of the summary suspension.

Patron - O'Brien

PHB665 Health professions; nursing. Provides an exemption from the nursing licensure requirements for a period of 30 days pending licensure in Virginia for nurses holding a current unrestricted license in Canada whose training was obtained in a nursing school in Canada where English was the primary language and requires the Board of Nursing to issue licenses by endorsement to applicants who hold current unrestricted licenses in Canada whose training was obtained in a nursing school in Canada where English was the primary language and who have passed the Canadian Registered Nurses Examination (CRNE). Current law already provides for licensure by endorsement for nurses licensed in other states, the District of Columbia, and any U.S. possession or territory if the applicant meets the qualifications required of nurses in the Commonwealth.

Patron - Cox

PHB687 Physician assistants. Clarifies that the physician must provide continuous supervision of the assistant; however, the requirement for physician supervision of assistants must not be construed as requiring the physical presence of the supervising physician during all times and places of service delivery by an assistant. Further, this bill details that each team of supervising physician and physician assistant must identify the relevant physician assistant's scope of practice, including, but not limited to, the delegation of medical tasks as appropriate to the physician assistant's level of competence, the physician assistant's relationship with and access to the supervising physician, and an evaluation process for the physician assistant's performance. The Board of Medicine is required, pursuant to a second enactment clause, to promulgate emergency regulations to implement this provision.

Patron - Tata

PHB837 Board of Funeral Directors and Embalmers; continuing education. Establishes continuing education requirements for funeral service licensees, funeral directors and embalmers. The bill also authorizes the Board for Funeral Directors and Embalmers to establish an inactive status for licensees and registrants of the Board and prohibits the practice as a funeral service licensee, funeral director or embalmer in the Commonwealth without a current and active license or registration. In addition, the bill requires the Board to promulgate regulations for implementing the act within 280 days of its effective date.

Patron - Thomas

PHB1055 Health professions; temporary permits for dentists. Expands the authority of the Board of Dentistry to issue a temporary license to dentists providing services in free clinics and community health centers. Temporary permits are already granted to dentists not licensed in the State who meet certain criteria and provide services in dental clinics operated by the Departments of Health and Mental Health, Mental Retardation and Substance Abuse Services. This bill is a recommendation of the Joint Commission on Health Care.

Patron - Melvin

PHB1085 Health professions; nursing workforce. Authorizes the Board of Nursing to accept private grants or donations in addition to any licensure or certification fee for

the purposes of collecting and utilizing nursing workforce information.

Patron - Brink

PHB1151 Board for Contractors; exemptions. Exempts from the licensure or certification requirement of the Board for Contractors any person licensed as a private security services business by the Department of Criminal Justice Services.

Patron - Marshall, R.G.

PHB1318 Volunteer services by certain providers of health care. Exempts from the Virginia licensure or certification requirements of the Board for Opticians and the Boards of Dentistry, Medicine, Nursing, Optometry, Pharmacy, and Veterinary Medicine certain out-of-state practitioners who (i) do not regularly practice in Virginia, (ii) hold current valid licenses or certificates to practice in another state, territory, district or possession of the United States, (iii) volunteer to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all-volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world, (iv) file copies of the licenses or certificates issued in such other jurisdiction with the appropriate board, (v) notify the appropriate board, within 15 days prior to the voluntary provision of services of the dates and location of such services, and (vi) acknowledge in writing that such licensure exemption shall only be valid during the limited period that such free health care is made available on the dates and at the location filed with the various boards. Enactment clauses require emergency regulations and authorize the various boards to require the sponsoring organization to register and pay a fee prior to delivering services in Virginia.

Patron - Stump

PSB24 Itinerant merchants; prohibited sale of certain merchandise; penalty. Prohibits the sale by an itinerant merchant of infant formula or nonprescription drugs unless the seller maintains for public inspection a valid authorization identifying that such person is an authorized representative of the manufacturer or distributor of the prohibited merchandise. "Infant formula" is defined as any food manufactured, packaged and labeled specifically for sale for consumption by a child under the age of two. "Nonprescription drug" is defined as any substances or mixture of substances containing medicines or drugs for which no prescription is required and which are generally sold for internal or topical use in the cure, mitigation, treatment, or prevention of disease in human beings. Under the bill any person convicted of violating this provision is guilty of a Class 3 misdemeanor on the first offense and a Class 2 misdemeanor upon conviction of any subsequent offense.

Patron - Wagner

PSB53 Regulatory authority of the Board of Counseling. Requires the Board of Counseling to promulgate regulations establishing requirements for evidence of continued competency as a condition of licensure renewal. The Board is authorized to approve persons who provide or accredit continuing education programs in order to accomplish this purpose and to grant waivers and reduce the number of continuing education hours in certain cases.

Patron - Edwards

PSB59 Board of Medicine. Revises the statute that sets forth the data required for the profiles of doctors of medicine, osteopathy, and podiatry. The Board will require telephone numbers and access to translating services for all practice settings, and will remove the mandatory reporting of

insurance participation while allowing voluntary reporting of this information. For the sole purpose of expedited dissemination of information about a public health emergency, doctors must also provide any e-mail addresses or facsimile numbers. The e-mail addresses and facsimile numbers will not be published on the profile database or released or made available for any other purpose other than the public health emergency. In addition, the scope of data to be made available on malpractice claims has been clarified to prohibit the release of specific numeric values of reported paid claims in any individually identifiable manner under any circumstances. This bill has numerous technical amendments to change references to "physicians" to the more accurate term "doctor." A second enactment clause requires the Board of Medicine to promulgate emergency regulations and a provision for the display of final disciplinary orders of the Board together with notices thereof and any summary suspension of a license.

Patron - Watkins

PSB61 Department of Professional and Occupational Regulation; Board for Professional Soil Scientists and Wetland Professionals; penalty. Adds certified professional wetland delineators to the current Board for Soil Scientists. The bill also (i) establishes certification standards for "certified professional wetland delineators," (ii) prohibits a certified professional wetland delineator from performing professional engineering, landscape architecture and land surveying, and (iii) provides that any person practicing or offering to practice wetland delineation who represents himself as a certified professional wetland delineator without holding such a certificate shall be guilty of a Class 1 misdemeanor. The bill has a delayed effective date of July 1, 2004.

Patron - Watkins

PSB101 Practice of physical therapy. Adds nurse practitioners as authorized in their practice protocols to the list of health care professionals who may order physical therapy services. At this time, physical therapy orders may be issued by doctors of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

Patron - Howell

PSB145 Practice of pharmacy. Provides two exceptions from the requirements for the practice of pharmacy for practitioners of medicine or osteopathy relating to obtaining prescription drugs without charge for indigent patients, i.e., through pharmaceutical manufacturers' indigent programs and through donations from other entities. Practitioners who participate in pharmaceutical manufacturers' indigent programs in which the manufacturer donates a stock bottle of the prescription drug that is to be dispensed to an indigent patient are provided authority to dispense such drugs. The labeling and packaging standards will apply (packaging can be changed by the practitioner or the patient) and the drug cannot be used for any other purpose, unless the manufacturer authorizes dispensing to another indigent patient. Practitioners may, in lieu of dispensing directly to the patient, transfer the stock bottle to a pharmacy participating in the indigent program. The participating practitioner and the pharmacy are prohibited from charging the patient a fee for the medication. A reasonable dispensing or administrative fee to offset the cost of dispensing may be charged, not to exceed the comparable allowable fee reimbursed by the Virginia Medicaid program; however, if the patient is unable to pay the dispensing or administrative fee, this fee must be waived. In addition, practitioners of medicine or osteopathy are authorized to provide controlled substances to their own patients in free clinics without charge when the drugs have been donated by an entity other than a pharmaceutical manufacturer. The practitioner must first obtain a controlled substances registration and will be required to comply with the

existing labeling and packaging requirements. Enactment clauses require emergency regulations and mandate that the Board of Pharmacy advise and assist free clinics in revolving issues relating to the practice of pharmacy and the Drug Control Act. This bill is identical to HB 487.

Patron - Norment

PSB179 Conservators of the peace; Department of Professional and Occupational Regulation. Designates as conservators of the peace investigators of the Criminal Investigation section of the Department of Professional and Occupational Regulation. The bill also creates a registry of all conservators of the peace with the Department of State Police. The bill has a delayed effective date of July 1, 2003.

Patron - Trumbo

PSB398 Disciplinary proceedings of health regulatory boards. Revises the authority of health regulatory boards relating to disciplinary proceedings to (i) amend the present FOIA exemption to authorize closed meetings of health regulatory boards or conference committees to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties; (ii) authorize health regulatory boards to meet by telephone conference call to consider settlement proposals in matters pending before special conference committees or matters referred for formal proceedings or to consider modifications of previously issued board orders when such considerations have been requested by either of the parties; (iii) correct references to court or agency orders to more accurately refer to "documentation" of the order; and (iv) authorize, if reasonable notice of the information is given to the person, the health regulatory boards to consider other information concerning possible violations of Virginia law in hearings relating to suspensions because of felony convictions or adjudications of incapacity.

Patron - Martin

PSB425 Prescription Monitoring Program established. Requires the Director of the Department of Health Professions to establish the Prescription Monitoring Program, which will require reports to the Department from dispensers of certain drugs (to be called "covered substances") that will include detailed information on the recipient of the prescription and the drug prescribed as the result of a specific investigation of a recipient dispenser or prescriber by the State Police, a grand jury, or by the board regarding any allegation of misconduct by a dispenser. The "covered substances" will include all Schedule II controlled substances as defined in the Drug Control Act. Certain dispensing circumstances are exempted, for example, the dispensing of manufacturers' samples. The information in possession of the Program is exempted from the Freedom of Information Act; however, the Director is authorized to disclose information under limited circumstances to prescribers, dispensers, the Department of State Police and others. The Director is also authorized to notify the Attorney General or the appropriate attorney for the Commonwealth of possible violations of law and to disclose information to dispensers and prescribers that indicates a potential detriment to a recipient. In addition, the Director is authorized to contract for the implementation and maintenance of the Prescription Monitoring Program. Immunity from liability is provided to the Director and the Department's employees for the accuracy or lack thereof of the data reported. Penalties for violations of this act will be Class 1 misdemeanors. Licensees may be subject to disciplinary action by the relevant board for failure to report or for unauthorized use or disclosure of the confidential information. Pursuant to enactment clauses, (i) the Director is required to promulgate emergency regulations; (ii) the reporting requirements will not be implemented until the date specified in the regulations; and (iii) all dispensers and prescribers must

be notified of the implementation date. The fourth enactment clause provides that these provisions will be implemented with federal funds or other federal grants that may become available for these purposes and the last enactment requires the program to be implemented solely in State Health Planning Region III for two years after which time an evaluation will be prepared by the superintendent of State Police and the director and forwarded to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health.

Patron - Wampler

PSB483 Medical treatment of incapacitated persons. Expands medical treatment statute that applies to incapacitated patients and residents of state mental health and mental retardation facilities to apply to incapacitated community services board consumers and to include dental treatment. A licensed health professional or licensed hospital will not be subject to liability arising from a claim based on lack of informed consent or be prohibited from providing services when a delay in treatment might adversely affect the recovery of an individual who has no guardian or committee and who is receiving community mental health services from a community services board or behavioral health authority if two physicians (or dentists in the case of dental treatment) document this in writing. This bill is a recommendation of the Select Committee on Substitute Consent for People with Mental Disabilities.

Patron - Howell

PSB503 Health professions; dental hygienists. Requires the Board of Dentistry to adopt regulations to allow for the "general supervision" of dental hygienists by dentists. "General supervision" means that a dentist has evaluated the patient and prescribed authorized services to be provided by a dental hygienist; however, the dentist need not be present in the facility while the authorized services are being provided. This bill is a recommendation of the Joint Commission on Health Care.

Patron - Bolling

PSB651 Health professions; physical therapy. Adds to the list of persons who make referrals to physical therapists a licensed physician assistant acting under the supervision of a licensed physician. Referrals are currently made by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

Patron - Blevins

Failed

FHB76 Health professions; chiropractors. Clarifies that chiropractors may continue to provide physical therapy modalities to their patients. When the Board of Physical Therapy was created in 2001, questions arose as to whether chiropractors would be able to provide physical therapy to their patients. The Attorney General opined that legislation "was not intended to change, and did nothing to change the scope of practice of chiropractors, and . . . [that] chiropractors may lawfully provide physical therapy modalities. . ."

Patron - Hamilton

FHB787 Health professions; chiropractic. Creates an independent Board of Chiropractic by incorporating current statutory language regarding the regulation of chiropractors into a separate board.

Patron - Purkey

FHB889 Health professions; practice of midwifery. Provides for the licensure by the Board of Medicine of those persons who have obtained the Certified Professional Midwife

credential to practice midwifery. The bill also creates the Advisory Council on Midwifery to provide consultation to the Board in the development of regulations regarding the licensure and practice of midwives. Licensed midwives must disclose to clients certain background, training and experience, malpractice or liability insurance coverage, and procedures to file complaints with the Board. Licensed midwives are not required to have any agreement or assessment of the potential client by another health care professional. This bill would leave in place current midwifery practice as governed by the Board of Health.

Patron - Hamilton

FHB1263 Health professions; dispensing of emergency contraceptives. Establishes procedures by which a physician, in accordance with a protocol developed by the Board of Medicine, may authorize a licensed pharmacist to dispense emergency contraception to women. Pharmacists may dispense such emergency contraception according to regulations adopted by the Board of Pharmacy. This is similar to current law that allows a practitioner to permit pharmacies to dispense immunizations even to persons who are not patients of the physician who initiates the authorization. The bill also provides that nurse practitioners, physician assistants, and physicians may dispense emergency contraceptives at any time according to procedures developed by the Board. The bill also contains technical amendments.

Patron - Baskerville

FHB1360 Health professions; chiropractic. Creates an independent Board of Chiropractic by incorporating current statutory language regarding the regulation of chiropractors into a separate board.

Patron - Griffith

FHB1368 Duty to disclose certain drug's contraindications. Requires every physician who prescribes or administers misoprostol and every pharmacist who fills a prescription for misoprostol to disclose to any woman to whom the drug is prescribed or administered the manufacturers' contraindications, specifically noting the warnings regarding pregnancy and miscarriage. Misoprostol is a synthetic prostaglandin and is also known as Cytotec. This drug can cause uterine contractions that may lead to miscarriage and the risk of complications therefrom. This bill is incorporated into HB 1290.

Patron - Black

FSB180 Professions and occupations; unlawful acts; penalties. Provides that the third or subsequent conviction of certain enumerated misdemeanors relating to specified professions and occupations shall constitute a Class 6 felony. Under current law, the penalty increases only if the three or more convictions occur within 36 months of each other.

Patron - Trumbo

FSB623 Health professions; dispensing of emergency contraceptives. Establishes procedures by which a physician, in accordance with a protocol developed by the Board of Medicine, may authorize a licensed pharmacist to dispense emergency contraception to women. Pharmacists may dispense such emergency contraception according to regulations adopted by the Board of Pharmacy. This is similar to current law that allows a practitioner to permit pharmacies to dispense immunizations even to persons who are not patients of the physician who initiates the authorization. The bill also provides that nurse practitioners, physician assistants, and physicians may dispense emergency contraceptives at any time according to procedures developed by the Board. The bill also contains technical amendments.

Patron - Barry

Carried Over

CHB126 Arborists; title protection. Prohibits any person from using the titles "arborist" and "consulting arborist" unless he possesses the proper certification. The bill provides for injunctive relief to restrain the invalid use of the titles and exempts any person who is not certified from performing arboriculture, defined as the specialized field involving the cultivation of trees and shrubs especially for ornamental purposes, if the person does not represent himself to the public as being an arborist or a consulting arborist.

Patron - Hull

CHB299 Health professions; director. Includes in the powers of each health regulatory board the ability to issue advisory opinions to members of that profession pursuant to the system established by the Director of the Department of Health Professions with regard to requests by individual practitioners for guidance on questions as to whether the facts of a particular case would constitute a violation of provisions governing the practice of that profession. The Director would review each opinion, with the assistance of the Office of the Attorney General, if necessary, prior to the issuance of such opinion. If a complaint is filed against the practitioner involving such actions, the practitioner may introduce the advisory opinion into evidence at his hearing.

Patron - McDonnell

CHB545 Prescription Monitoring Program established. Requires the Director of the Department of Health Professions to establish the Prescription Monitoring Program, which will require reports to the Department from dispensers of certain drugs (to be called "covered substances") that will include detailed information on the recipient of the prescription and the drug prescribed. The "covered substances" will include all Schedule II through Schedule IV controlled substances as defined in the Drug Control Act and may include, pursuant to the Department's regulations, substances designated by the Director from Schedules V and VI. Certain dispensing circumstances are exempted, for example, the dispensing of manufacturers' samples. The information in possession of the Program is exempted from the Freedom of Information Act; however, the Director is authorized to disclose information under limited circumstances to prescribers, dispensers, the Department of State Police and others. The Director is also authorized to notify the Attorney General or the appropriate attorney for the Commonwealth of possible violations of law and to disclose information to dispensers and prescribers that indicates a potential detriment to a recipient. Immunity from liability is provided to the Director and the Department's employees for the accuracy or lack thereof of the data reported. Penalties for violations of this act will be Class 1 misdemeanors. Licensees may be subject to disciplinary action by the relevant board for failure to report or for unauthorized use or disclosure of the confidential information. Pursuant to enactment clauses, the Director is required to promulgate emergency regulations and the reporting requirements will not be implemented until the date specified in the regulations. All dispensers and prescribers must be notified of the implementation date. The Director is authorized to contract for the implementation and maintenance of the Prescription Monitoring Program.

Patron - Kilgore

CHB1128 Board of Nursing. Requires the Board of Nursing to collect, store and make available aggregate nursing workforce information electronically, to implement an online nursing workforce information website, and to implement an electronic system for certification, registration, and licensure application, renewal and fee collection. This bill also strikes

the language requiring appropriation of funds for the implementation of the workforce information system. The health regulatory boards and the Department of Health Professions are self-funded entities that are required to analyze their budgets at the end of every biennium and to revise their fees in the event their revenues are more or less than 10 percent of their expenditures. Thus, in 2004, this bill could result in a revision in the Board's fee structure.

Patron - Bryant

CHB1129 Department of Professional and Occupational Regulation; regulation of land surveyor photogrammetrists. Provides for the licensure of land surveyor photogrammetrists by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. The bill defines "land surveyor photogrammetrists" and sets the criteria for licensure.

Patron - Bryant

CHB1177 Minors' abortions; penalty. Provides, notwithstanding the provisions of § 16.1-241, that, in the event an unemancipated minor who does not have a life-threatening medical condition receives an abortion for which no custodial parent has given consent and complications resulting from the abortion require additional medical treatment for which a custodial parent is obligated to pay, if the practitioner who performed the abortion without such parental consent fails to treat the complications, he shall be guilty of a Class 6 felony.

Patron - Marshall, R.G.

CHB1259 Health professions; surgical assistants. Defines a "nonphysician surgical assistant" and "intraoperative surgical care" and requires the Board of Medicine to establish a procedure for the certification of such individuals who meet the requirements established by the Board. Nonphysician surgical assistants are certified individuals who provide such services, under the direction of a physician or, in the absence of a physician, that of a registered nurse, as positioning and draping the patient, observing the operative site, assisting in incision closing or wound dressing, and any other task that may be delegated by the physician or, in the absence of a physician, by a registered nurse that is within the scope of practice of a certified nonphysician surgical assistant.

Patron - Jones, S.C.

CHB1290 Administration of pharmaceuticals. Requires, prior to administering any pharmaceutical to any patient, every person licensed or certified by a health regulatory board whose scope of practice includes administration of drugs must disclose the name of the pharmaceutical and obtain informed consent for administration of the relevant pharmaceutical from the patient or the patient's authorized representative. These requirements will not apply in a medical emergency.

Patron - Devolites

CSB261 Health professions; chiropractic. Creates an independent Board of Chiropractic by incorporating current statutory language regarding the regulation of chiropractors into a separate board.

Patron - Lambert

Property and Conveyances

Passed

PHB15 Solicitation of Contributions Act; exemptions. Exempts from registration requirements organizations that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and are organized wholly as Area Health Education Centers in accordance with § 32.1-122.7. The bill also makes some technical changes.

Patron - Morgan

PHB150 New home breach of warranty. Provides that in the event of a breach of warranty on a new home for any defect discovered after July 1, 2002, such vendee shall first provide the vendor, at his last known address, a notice sent by registered or certified mail stating the nature of the warranty claim. After such notice, the vendor shall have a reasonable period of time, not to exceed one year, to cure the defect, which is the subject of the warranty claim. Under current law there is no statutory opportunity to cure; there is only a cause of action created on behalf of the purchaser.

Patron - Bryant

PHB198 Virginia Condominium Act; officers. Provides that if the condominium instruments provide that any officer or officers of the executive organ of a unit owners' association must be unit owners, an officer may be disqualified from serving unless he disposes of all of his units in fee. Under current law such officer may be disqualified if his units are disposed of in fee and/or for a term or terms of six months or more.

Patron - Callahan

PHB243 Virginia Residential Landlord Tenant Act; early termination of rental agreements by military personnel. Prohibits a landlord from requiring a tenant to pay liquidated damages if the tenant has resided in the property for more than 12 months.

Patron - Drake

PHB245 Virginia Residential Landlord Tenant Act; abandonment. Establishes a process to be followed by the landlord if he is unable to determine whether a tenant has abandoned the premises.

Patron - Drake

PHB246 Virginia Residential Landlord Tenant Act; disposal of property abandoned by tenants. Allows a landlord to dispose of abandoned personal property after the rental agreement has terminated and delivery of possession has occurred provided the landlord gives certain notice to the tenant.

Patron - Drake

PHB302 Release of deed of trust or other lien. Clarifies that a release of a deed of trust may be delivered by courier.

Patron - McDonnell

PHB478 Virginia Property Owners' Association Act; association disclosure packet. Provides that the contents of the association disclosure packet include the fully completed one-page form the Real Estate Board is required to develop containing certain information about property owners' associations.

Patron - Suit

PHB502 Virginia Residential Landlord and Tenant Act; definitions; prepaid rent. Allows a tenant to offer and a landlord to accept prepaid rent and requires such prepaid rent to be placed in an escrow account by the end of the fifth business day following receipt and remain in that account until such time as the rent becomes due. The bill also provides that a bond or commercial insurance policy purchased by a tenant to secure the performance of the terms or conditions of a rental agreement shall not be considered as a security deposit as defined by the Act. In addition, the bill adds prepaid rent and nonrefundable pet fees to the definition of rent and provides that the definition of "tenant" does not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit. "Authorized occupant" is defined as a person entitled to occupy a dwelling unit with the consent of a landlord under a rental agreement with a tenant.

Patron - Drake

PHB647 Virginia Real Estate Cooperative Act; taxation. Provides that a residential cooperative association shall not be deemed to be a business for certain state and local taxation purposes. Also, the bill requires that any tangible personal property owned by such associations that would be considered household goods and personal effects if owned by an individual to be considered as such for local property tax purposes. The bill also classifies certain tangible personal property of residential cooperative associations as household goods and personal effects making such property eligible for exemption from local tangible personal property taxes.

Patron - Suit

PSB519 Condominium and Property Owners' Associations; preparation of disclosure information, rule enforcement, and resale by purchasers. Allows, with the consent of the purchaser, the electronic delivery of the resale certificate in the case of a condominium, and the disclosure package for property owners' associations. The bill also (i) allows these associations to provide the required disclosures by electronic means with the consent of the seller and purchaser and (ii) authorizes these associations to charge certain additional costs for providing the required disclosures. The bill further provides for the settlement agent, when transmitting funds to an association to provide either the HUD-1 settlement statement or the name of the seller, the name and address of the purchaser, the address of the subject property, the date of settlement, and a brief explanation of the application of any funds transmitted.

Patron - Mims

PSB523 Condominium and Property Owners' Association Acts; reserves for capital components. Provides that except to the extent otherwise provided in the governing document for condominiums or property owners' associations and unless such governing documents impose more stringent requirements, these associations are required to (i) conduct at least once every five years a study to determine the necessity and amount of reserves required to repair, replace and restore the capital components; (ii) review the results of that study at least annually to determine if reserves are sufficient; and (iii) make any adjustments the executive organ deems necessary to maintain reserves, as appropriate. The bill also requires these associations to provide a copy or summary of the reserve study report to prospective purchasers. "Capital components" are defined as items, whether or not a part of the common elements, for which the unit owners' association has the obligation for repair, replacement or restoration and for which the

executive organ determines funding is necessary. The bill is a recommendation of the Housing Study Commission.

Patron - Mims

PSB527 Property; release of liens. Clarifies that the obligor may provide the lien creditor with the name and address of the person to whom a certificate of satisfaction or of partial satisfaction shall be sent, and that if no such notice is provided, the certificate shall be delivered to the appropriate clerk's office. The bill provides that courier hand delivery with written proof of receipt from the clerk's office is an additional method of delivery for certificates of satisfaction. The bill also conforms the procedures applicable to the filing of such certificates when releases are made by original lien creditors or by subsequent note holders.

Patron - Mims

PSB549 Property; subordinate mortgages. Includes in the definition of "subordinate mortgage" a mortgage that is subordinate in priority as the result of a previous refinancing.

Patron - Mims

PSB680 Property of nonprofit health care entities. Provides that the conversion of a nonprofit entity to a for-profit entity constitutes a disposition of assets that must be reported to the Attorney General. The measure also provides that a "nonprofit entity" includes any foreign or domestic nonstock corporation licensed and subject to regulation under Chapter 42 of Title 38.2, which generally refers to health services plans, i.e., "Blue Shield" plans.

Patron - Stosch

Failed

FHB74 Application of the rule against perpetuities to nondonative transfers. Permits waiver of the rule against perpetuities in all forms of property held in trust in force on or after July 1, 2002.

Patron - Howell

FHB464 Virginia Residential Landlord Tenant Act; required terms and conditions of rental agreement. Requires a landlord to provide a written notice, signed by the tenant as a separate part of the rental agreement or if no rental agreement in a separate document, that the landlord provides no insurance coverage for the loss of the tenant's personal property and other possessions or any relocation costs in the event of a natural or man-made disaster. "Natural disaster" is defined as any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life. "Man-made disaster" is defined as any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage of property or injury to persons in the United States.

Patron - Suit

FHB775 Virginia Residential Landlord Tenant Act; waiver of landlord's right to terminate lease. Clarifies that when a landlord accepts rent with reservation he is reserving the right to proceed with lease termination. The bill defines "knowledge of material noncompliance" to mean when the landlord has actual knowledge of a material noncompliance or, from all the facts and circumstances known to the landlord at the time in question, he has reason to know that a material noncompliance exists. This bill is identical to SB 265.

Patron - Hall

FHB846 Commercial real estate broker's lien. Provides that any broker who has provided services that result in the procuring of a tenant of commercial real estate shall have a lien, in the amount of the compensation agreed upon by and between the principal broker and the owner, upon the real property itself or upon rent paid by the tenant. Currently the lien extends only to the rent paid by the tenant.

Patron - Drake

FHB1045 Condominium Act; officers. Provides that the only condition where unit owners serving as officers of a condominium association are disqualified from holding office in the association is when they dispose of all of their units in fee simple. Currently, the law provides that if such person disposes of his interest in the unit for a period of six months or more (i.e., a lease), he shall also be disqualified from serving.

Patron - Darner

FHB1071 Virginia Condominium Act and Virginia Property Owner's Association Act; employee records. Provides for the release of the unit owners' associations and property owner associations employees' salaries to members of the association. Under current law such salary information is releasable to members only in aggregate form.

Patron - Darner

FSB528 Certificates of satisfaction. Provides that by signing a certificate of satisfaction the signor certifies that (i) he is the creditor or his duly authorized agent, attorney or attorney-in-fact or a person to whom the instrument evidencing the indebtedness has been endorsed or assigned, (ii) he possesses a full beneficial interest and (iii) the certificate of satisfaction is fully valid. If any of these provisions are not true, the signor is liable to any person who relies thereon to his detriment for a \$500 penalty, and for court costs and reasonable attorney's fees that resulted from the misstatement.

Patron - Mims

FSB600 Recordation of plats. Provides that all plats submitted for recordation must be signed by the landowner.

Patron - Trumbo

Carried Over

CHB585 Virginia Property Owners Association Act; flag display. Provides that any provision in a declaration and any related interest or any bylaw, or rule enacted by a board of directors, purporting to restrict or impede the display of the American flag by a lot owner in a manner consistent with the guidelines established by the Federal Flag Code (36 U.S.C. §§ 171 et seq.) on such lot are declared to be void and unenforceable as against public policy. The bill does not apply to declarations recorded or bylaws or rules enacted prior to July 1, 2002.

Patron - Ingram

CHB1116 Recordation of documents; acknowledgments. Clarifies that a person taking an acknowledgment shall certify that the person acknowledging appeared before him and acknowledged the executed instrument. This is in accordance with the Virginia Notary Act, which states that the person whose signature is the subject of the notarial act must personally appear before the notary.

Patron - McDougle

CHB1122 Rent-to-own contracts. Requires that all rent-to-own contracts be recorded in the land records where the property is located, together with any financing statement. The

bill requires the seller to have the premises inspected prior to executing any such contract and to provide the tenant with a copy of the inspection report. The bill defines "rent-to-own contracts."

Patron - Bryant

CSB265 Virginia Residential Landlord Tenant Act; waiver of landlord's right to terminate lease. Clarifies that when a landlord accepts rent with reservation he is reserving the right to proceed with lease termination. The bill defines "knowledge of material noncompliance" to mean when the landlord has actual knowledge of a material noncompliance or, from all the facts and circumstances known to the landlord at the time in question, he has reason to know that a material noncompliance exists. This bill is identical to HB 775.

Patron - Lambert

CSB590 Virginia Residential Landlord and Tenant Act; access to cable and other television facilities. Repeals the provision of the Virginia Residential Landlord Tenant Act (VRLTA) that prohibits a landlord from demanding or accepting any fee or other thing of value from any provider of cable television service or satellite television service for giving a tenant access to such service. The bill also removes corollary language from another section of the VRLTA. As a result of the bill, there will be no limitation on landlords from receiving compensation from cable and other like companies for providing access to the landlord's property.

Patron - Wagner

Public Service Companies

Passed

PHB1021 Local telecommunications services. Provides that any certificate for local exchange service or interexchange service granted by the SCC after July 1, 2002, shall be for service throughout the Commonwealth. Each local exchange carrier that was certificated before July 1, 2002, to provide service in part of the Commonwealth shall be certificated to provide local exchange service throughout the Commonwealth beginning September 1, 2002. The bill authorizes any county, city or town that operates an electric distribution system to provide telephone services within any locality in which it has electric distribution system facilities as of March 1, 2002, if the locality obtains a certificate for such service from the SCC and complies with all applicable laws and regulations for the provision of competitive telecommunications services. A county, city or town that does not obtain a certificate to provide telephone services may offer qualifying telecommunications services, including high-speed data service and Internet access service, upon application to the SCC. The SCC shall approve such a petition if it is in the public interest, and if the proposed services are not available in quantity, quality, and price from three or more providers in the proposed geographic area. This bill is identical to SB 245.

Patron - Marshall, D.W.

PHB1373 Public-Private Transportation Act. Authorizes the operator to impose tolls for the use of Interstate 81 by vehicles other than passenger cars, pickup or panel trucks, and motorcycles, in connection with a facility operated under the Public-Private Transportation Act (PPTA) of 1995. The bill also allows a responsible public entity to enter into a comprehensive agreement in accordance with procedures consistent with procurement through "competitive sealed bidding" as defined in the Public Procurement Act (PPA). Currently, a

responsible public entity may enter into a comprehensive agreement only in accordance with procedures that are consistent with the procurement of "other than professional services" through competitive negotiation. The bill also supplies definitions of "asset management" and "maintenance" as used in the PPTA.

Patron - Thomas

PSB122 Local tax on mobile telecommunications services. Incorporates uniform federal sourcing laws that determine which jurisdictions may impose taxes on local mobile telecommunications services. Beginning August 1, 2002, federal law provides that taxes on mobile telecommunications services may be imposed by a jurisdiction only if the customer's place of primary use is within the jurisdiction. The "place of primary use" is defined as the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer and within the licensed service area of the provider of the telecommunications service.

Patron - Stosch

PSB156 Telecommunications services; state agencies. Eliminates State Corporation Commission jurisdiction over rates for services provided pursuant to any contract for telecommunications service provided to the public by virtue of a contract between a public utility and the Commonwealth or a state agency.

Patron - Norment

PSB245 Local telecommunications services. Provides that any certificate for local exchange service or interexchange service granted by the SCC after July 1, 2002, shall be for service throughout the Commonwealth. Each local exchange carrier that was certificated before July 1, 2002, to provide service in part of the Commonwealth shall be certificated to provide local exchange service throughout the Commonwealth beginning September 1, 2002. The bill authorizes any county, city or town that operates an electric distribution system to provide telephone services within any locality in which it has electric distribution system facilities as of March 1, 2002, if the locality obtains a certificate for such service from the SCC and complies with all applicable laws and regulations for the provision of competitive telecommunications services. A county, city or town that does not obtain a certificate to provide telephone services may offer qualifying telecommunications services, including high-speed data service and Internet access service, upon application to the SCC. The SCC shall approve such a petition if it is in the public interest, and if the proposed services are not available in quantity, quality, and price from three or more providers in the proposed geographic area. This bill is identical to HB 1021.

Patron - Wampler

PSB257 Electric utility restructuring; electric energy emergencies. Authorizes the Governor to declare an electric energy emergency upon finding that an unplanned interruption in the generation or transmission of electricity, resulting from a hurricane, ice storm, windstorm, earthquake or similar natural phenomena, or from a criminal act affecting generation or transmission, act of war or act of terrorism, so imminently and substantially threatens the health, safety or welfare of residents of this Commonwealth that immediate action of state government is necessary to prevent loss of life, protect the public health or safety, and prevent unnecessary or avoidable damage to property. Upon declaring an emergency, the Governor may require a generator or municipal electric utility to generate, dispatch or sell to the Commonwealth electricity from a facility that it operates within the Common-

wealth, for distribution within the areas of the Commonwealth designated in the declaration. The Commonwealth shall compensate generators, dispatchers or sellers of electricity. The Governor is also authorized to request the Secretary of the United States Department of Energy to invoke section 202(C) of the Federal Power Act.

Patron - Watkins

PSB259 Public service corporation taxation; electric suppliers. Exempts all persons who own or operate facilities for the generation, transmission or distribution of electricity for sale that have a capacity of 25 megawatts or less from the definition of an "electric supplier." Currently, a person who owns or operates a solar, wind or hydroelectric facility with a capacity of 25 megawatts or less is not included in the definition of an electric supplier. The measure also clarifies that electric suppliers whose facilities have a capacity of 25 megawatts or less are not required to report their property to the State Corporation Commission, but shall be assessed and taxed by the local assessing officer. The bill contains an emergency clause.

Patron - Watkins

PSB433 Underground Utility Damage Prevention Act. Creates a procedure for excavators to request a special project notice from the notification center for the purpose of notifying the operators of the excavator's desire to enter into an agreement for locating and protecting the operator's underground utility lines for a specific, unique or long-term project. The measure also exempts hand digging performed by an operator to locate the operator's utility lines in response to a notice of excavation from the notification center, if all reasonable precaution has been taken to protect the underground utility lines, from the provisions of the Underground Utility Damage Prevention Act. The 48-hour waiting period required before an excavator may commence work starts at 7:00 a.m. on the next working day following notice to the notification center, rather than 48 hours after giving notice to the notification center. The extent of an excavator's proposed work is limited to an area that can be excavated within 15 working days beginning 7:00 a.m. on the next working day following notice to the notification center, and the area covered under each notice is limited to one mile. Additional provisions (i) authorize designers who prepare drawings and plans for projects requiring excavation or demolition work to provide the notification center with underground utility line information; (ii) require project owners to provide copies of those portions of the drawings that affect the respective operator to all operators with underground utility lines in the project area who receive notification from a designer; (iii) establish standards for line locator training; (iv) require operators to make a reasonable attempt to keep records of certain abandoned utility lines; (v) require operators to respond to an emergency notice as soon as possible but no later than three hours from the excavator's call to the notification center; (vi) require plastic or other nonmetallic utility lines to be installed so they can be locatable by the operator; (vii) adopt the American Public Works Association color codes for marking the approximate location of underground utility lines or proposed excavation; (viii) require the notification center to notify excavators of any responses placed on the excavator-operator information exchange system by a locator by use of facsimile or other mutually acceptable means of automatically transmitting and receiving this information; (ix) requiring excavators who cannot provide the notification center with an acceptable means of automatically transmitting and receiving this information to contact the excavator-operator information exchange system in order to determine if any responses to the notice have been recorded; (x) establish procedures for meetings between excavators and operators to discuss the marking of lines; (xi) establish examples of reasonable steps that may

be taken by persons making excavations not parallel to an existing underground utility line; (xii) require persons performing excavation or demolition to give the operator or the appropriate regulatory authority, upon request, the number issued by the notification center for that site; (xiii) prohibit excavators from removing an abandoned line without first receiving authorization to do so by the operator; (xiv) prohibits persons, other than designers requesting marking of a site, to request marking of a site through a notification center unless excavation commences within 30 days from the date of the original notification to the center; and (xv) require operators to install underground utility lines at depths required by accepted industry standards. Finally, the State Corporation Commission is required to convene a task force to study the operation and effectiveness of certain amendments to the act. The Commission shall report the results of the task force's study to the 2005 Session of the General Assembly.

Patron - Williams

PSB554 Permits for power plants. Provides that any valid permit or approval required for an electric generating plant and associated facilities issued or granted by federal, state, and local governmental entities charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans and public safety, shall be deemed to satisfy requirements for SCC consideration of the effect of the facility on the environment with respect to matters that are governed by the permit or approval or are within the authority of and were considered in the issuance of the permit or approval. The measure also grants to the DEQ and the Air Pollution Control Board the authority to consider the cumulative impact of new and proposed electric generating facilities on attainment of national ambient air quality standards. The SCC and DEQ are also required to enter into a memorandum of agreement to govern their coordination of reviews of the environmental impacts of such facilities.

Patron - Norment

PSB681 The Public-Private Education Facilities and Infrastructure Act of 2002. Authorizes private entities to acquire, design, construct, improve, renovate, expand, equip, maintain or operate qualifying projects after obtaining approval of a public entity that has the power to take such actions with respect to such projects. A "qualifying project" is (i) any facility that is operated as part of the public school system or as an institution of higher education; (ii) any building for principal use by any public entity; (iii) any equipment or improvements necessary to enhance public safety and security of buildings to be principally used by a public entity; (iv) utility and telecommunications and other communications infrastructure; or (v) a recreational facility. A responsible public entity may approve such a facility if it determines that (i) there is a public need for or benefit derived from the qualifying project of the type proposed by the private entity; (ii) the estimated cost of the qualifying project is reasonable in relation to similar facilities; (iii) the private entity's plans will result in the timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project. Prior to commencing the qualifying project, the private entity shall enter into a comprehensive agreement with the responsible public entity. The bill exempts such projects from the Virginia Public Procurement Act. The provisions for the approval and operation of such projects are similar to those in the Public-Private Transportation Act of 1995.

Patron - Stosch

PSB682 Companies providing sewage services. Provides that any governmental entity established pursuant to the

laws of another state or other entity that owns, manages or controls any plant or equipment located within the Commonwealth that is used to provide sewage treatment services to a Virginia public service authority shall be subject to regulation as a public utility.

Patron - Puckett

PSB684 Virginia's energy infrastructure. Requests the State Corporation Commission to convene a work group to study the feasibility, effectiveness, and value of collecting, for the period commencing January 1, 1996, and ending December 31, 2001, and for periods subsequent to December 31, 2001, certain data pertaining to Virginia's energy infrastructure. The work group shall consist of representatives of electricity generators, incumbent electric utilities, gas transmission companies, gas local distribution companies, State Corporation Commission staff, and other appropriate persons. The Commission shall report the results of the work group's study, not later than December 1, 2002, to the Legislative Transition Task Force.

Patron - Watkins

Failed

FHB240 Railroads; utility crossings. Limits the amount that a railroad company can charge a county, city, town, or other political subdivision for allowing its water or sewer utility facilities to cross the railroad's facilities to \$500 per crossing. The measure also prohibits a railroad company from thereafter charging an annual or other periodic payment for the crossing.

Patron - Kilgore

FHB429 Electric utility restructuring; service territories. Allows an electric utility owned or operated by a municipality to remain exempt from the provisions of the Electric Utility Restructuring Act if it commences providing service to areas outside its service area as of July 1, 1999, that were (i) not part of an exclusive service territory established by the State Corporation Commission as of such date and (ii) were served by a company that allows the municipal electric utility to acquire its distribution facilities and to distribute electric energy within the area. Currently, a municipal electric utility that sells electricity to retail customers outside the boundary of the municipality or other area that it was serving on July 1, 1999, will be subject to the provisions of the Restructuring Act.

Patron - Hurt

FHB709 Electric utility restructuring; service territories. Allows an electric utility owned or operated by a municipality to remain exempt from the provisions of the Electric Utility Restructuring Act if it commences providing service to areas outside its service area as of July 1, 1999, that were (i) not part of an exclusive service territory established by the State Corporation Commission as of such date and (ii) were served by a company that allows the municipal electric utility to acquire its distribution facilities and to distribute electric energy within the area. Currently, a municipal electric utility that sells electricity to retail customers outside the boundary of the municipality or other area that it was serving on July 1, 1999, will be subject to the provisions of the Restructuring Act. This bill is incorporated into HB 429.

Patron - Armstrong

FHB866 Consumer protection; personal information. Adds to prohibited practices in the Consumer Protection Act the selling, exchanging or disclosing of personal information. "Personal information" includes name, address, phone number, and any other information identifying an individual.

Patron - Phillips

FHB1098 Telephonic reading services. Requires the State Corporation Commission to collect an assessment from each local telephone company in the Commonwealth for operation of telephonic reading services, similar to the current assessment for operation of telecommunications relay service for the deaf and hard of hearing. "Telephonic reading services" means audio information provided by telephone to the blind and visually impaired through a nationally available, multi-state service center to registered readers in all parts of the Commonwealth, including the interstate acquisition and distribution of daily newspapers and other information. The Department for the Blind and Visually Impaired is the state agency responsible for the administration and operation of telephonic reading services.

Patron - Brink

FHB1302 Public-Private Transportation Act; tolls. Eliminates the prohibition on the imposition of tolls or user fees by an operator on any existing interstate highway in connection with a project under the Public-Private Transportation Act of 1995. An operator cannot impose tolls or user fees on an interstate highway unless it is reconstructed to provide for increased capacity. This bill is incorporated into HB 1373.

Patron - Griffith

FSB354 Interstate natural gas pipeline companies; powers. Deprives any public service corporation that is organized to acquire, develop, or operate an interstate natural gas pipeline that is or will be subject to federal regulation under the Natural Gas Act of the power to enter upon property to make examinations and surveys for a proposed line.

Patron - Reynolds

FSB356 Electric utility restructuring; service territories. Allows an electric utility owned or operated by a municipality to remain exempt from the provisions of the Electric Utility Restructuring Act if it commences providing service to areas outside its service area as of July 1, 1999, that were (i) not part of an exclusive service territory established by the State Corporation Commission as of such date and (ii) were served by a company that allows the municipal electric utility to acquire its distribution facilities and to distribute electric energy within the area. Currently, a municipal electric utility that sells electricity to retail customers outside the boundary of the municipality or other area that it was serving on July 1, 1999, will be subject to the provisions of the Restructuring Act.

Patron - Reynolds

FSB640 Public-Private Transportation Act; tolls. Eliminates the prohibition on the imposition of tolls or user fees by an operator on any existing interstate highway in connection with a project under the Public-Private Transportation Act of 1995. An operator cannot impose tolls or user fees on an interstate highway unless it is reconstructed to provide for increased capacity.

Patron - Trumbo

Carried Over

CHB436 Overhead High Voltage Line Safety Act. Establishes the Overhead High Voltage Line Safety Special Fund to be used by the Commissioner of Labor and Industry for public awareness programs about overhead high voltage line safety, training programs, and incentives. The Special Fund shall be composed of civil penalties collected from enforcement of the Overhead High Voltage Line Safety Act.

Patron - Hull

CHB551 Public Rights-of-Way Use Fee. Provides that the Public Rights-of-Way Use Fee does not preempt cities, those towns where public streets and roads are not maintained by the Virginia Department of Transportation, and counties that have withdrawn or elect to withdraw from the secondary system of state highways from assessing street opening permit fees. The measure also allows such municipalities to impose a locally-negotiated franchise fee on any telecommunications provider that maintains no or a nominal number of access lines in the municipality. The amount of the locally negotiated franchise fee shall not exceed the statewide Public Rights-of-Way Use Fee multiplied by 25 percent of the average number of access lines of each certificated provider of telecommunications service maintained in the municipality.

Patron - Rust

CHB697 Arbitration of telecommunications billing disputes. Prohibits telecommunications service contracts from requiring arbitration of billing disputes unless the customer is given written notice of such requirement, printed in bold type and at least in 10-point type, prior to or at the time of formation of the contract. The Uniform Arbitration Act shall apply to such proceedings.

Patron - Tata

CHB732 Electric utility restructuring; generation facilities of default service providers. Authorizes the State Corporation Commission to require a distributor that becomes obligated to provide default service, or an affiliate formed by the distributor, to (i) purchase, through nondiscriminatory competitive procurement, generation services or (ii) acquire or build electric energy production facilities as the Commission deems will satisfy all or a portion of the distributor's obligation to provide generation services.

Patron - Woodrum

CHB746 Grants using clean and efficient energy. Provides grants to individuals and corporations equal to 15 percent of the cost incurred in installing photovoltaic property, up to a maximum of \$2,000, or solar water heating property, up to a maximum of \$1,000. The eligible equipment must be placed in service between January 1, 2002, and December 31, 2006. The measure will become effective only if the Department of Mines, Minerals, and Energy is appropriated funding in the 2002-2004 appropriations act for the administrative costs incurred in implementing the program.

Patron - Plum

CHB859 Railroads; utility crossings. Limits the amount that a railroad company can charge a county, city, town, or other political subdivision for allowing its water or sewer utility facilities to cross the railroad's facilities to \$1,000 per crossing. The measure also prohibits a railroad company from thereafter charging an annual or other periodic payment for the crossing.

Patron - Phillips

CHB929 Public-Private Transportation Act; imposition of tolls on certain facilities. Limits the number of Public-Private Transportation Act facilities that may be tolled by defining "reconstructed to provide for increased capacity."

Patron - Joannou

CHB989 Coin-operated telephones; removal when nuisance. Authorizes the State Corporation Commission to order the removal of, or cessation of dial tone for, any outdoor coin-operated telephone equipment that has been found by a circuit court to constitute a public or common nuisance. Failure to remove the equipment or terminate dial tone to such tele-

phone equipment within 10 days following the Commission's order shall subject the public service corporation to a fine of not less than \$100 and not more than \$500.

Patron - Hall

CHB1042 Underground utility damage prevention; utility easements on state property. Requires any state department, agency or institution responsible for the construction, maintenance or operation of public roads, streets or highways to maintain current and accurate maps or plats depicting the location of the right-of-way easement and of any buried wires, pipes, conduits, and similar facilities. Copies of the maps or plats shall be given to Underground Utility Damage Prevention Act notification centers. The notification centers shall provide maps or plats to persons intending any excavation or demolition, and to all operators whose underground lines are located, in the relevant area.

Patron - Scott

CHB1300 Public-Private Transportation Act of 1995; General Assembly approval; utility crossings. Provides that General Assembly approval shall not be required for qualifying transportation facilities that will be financed directly or indirectly by state appropriations where such financing is conditioned upon future appropriations. Such financing shall not constitute a debt or obligation of the Commonwealth Transportation Board or the Commonwealth of Virginia. Further, the costs of moving or relocating facilities owned by public service companies, public utilities, railroads, or cable television providers shall be paid for in accordance with policies of the public entity that has entered into a contract for the building of the transportation facility. Current law provides that the costs of moving or relocating such facilities shall be paid for by the private operator responsible for the acquisition, construction, improvement, maintenance and/or operation of the qualifying transportation facility.

Patron - Armstrong

CSB118 Public-Private Transportation Act of 1995; financing of and costs incurred in the implementation of transportation facilities. Provides that debt obligations and other financing instruments issued by tax-exempt corporations or public authorities to finance transportation facilities shall not constitute a debt or obligation of the Commonwealth and, therefore, are not subject to review by the Department of the Treasury. The bill also provides that the costs involved in moving or relocating facilities owned by public service companies, public utilities, railroads, or cable television providers shall be paid for in accordance with policies of the public entity that has entered into a contract for the building of the transportation facility. Current law provides that the costs of moving or relocating such facilities shall be paid for by the private entity responsible for the acquisition, construction, improvement, maintenance and/or operation of the qualifying transportation facility.

Patron - Stosch

CSB612 Unsolicited facsimile transmissions. Makes the unsolicited transmission of advertising materials by facsimile a prohibited practice under the Consumer Protection Act. The bill eliminates the requirement that the unsolicited facsimile be advertising goods or services for sale or lease. Enforcement provisions under the Consumer Protection Act (i) permit the Attorney General to issue civil investigative demands and assurances of voluntary compliance, (ii) create an individual action for damages, and (iii) permit aggrieved parties or the Attorney General to seek injunctive relief to prevent further violations.

Patron - Trumbo

CSB637 Electricity utility restructuring; functional separation. Provides that following the separation of its generation, retail transmission and distribution functions, an incumbent electric utility shall continue to be deemed an electric utility that purchases fuel for the generation of electricity for purposes of fuel cost recovery. The measure further provides that an incumbent electric utility shall continue to be deemed an incumbent electric utility for purposes of payment of wires charges, and that the incumbent electric utility is authorized to pay wires charges to a generation affiliate of such incumbent electric utility created to accomplish functional separation.

Patron - Stolle

Religious and Charitable Matters; Cemeteries

Passed

PHB183 Religious and charitable matters; quantity of real property trustees may hold. Authorizes trustees of a church to take and hold in any city or town not more than 50 acres of land at any one time, provided such acreage is to be devoted exclusively, and is subsequently so devoted, to (i) a church building, chapel, cemetery; (ii) offices exclusively used for administrative purposes of the church; (iii) a Sunday school or parochial school building or playgrounds thereof; (iv) parking lots for the convenience of those attending any of the foregoing; (v) administrative offices located on such church property leased by the church to a nonprofit hospital; or (vi) a church manse, parsonage or rectory. The bill also provides for the Office of the Attorney General to intervene on behalf of any city, town or county to enforce the statutory provisions limiting the real and personal property that churches may own.

Patron - Parrish

PHB739 Religious and charitable matters; quantity of land benevolent and other associations may hold. Provides that groups organized for rural community civic purposes or improvement of farm life or operations of like purposes and not for profit (i.e., Ruritan Clubs) may hold no more than 35 acres of land. The bill contains a savings clause for previously acquired land under certain circumstances.

Patron - Barlow

PHB1350 R. E. Lee Camp; Pelham Chapel. Provides that the provisions relating to the temporary transfer of use of property between state agencies and institutions shall not apply to the Pelham Chapel. The bill also provides that such property may be leased for increments of five years and that the lease shall only be revoked or terminated if the lessee willfully fails to abide by the terms of the lease.

Patron - Reid

State Corporation Commission

Carried Over

CSB375 State Corporation Commission membership. Increases the number of members of the State Corporation Commission from three to five, effective February 1, 2003.

Patron - Norment

Taxation

Passed

PHB1 Lottery. Repeals the obsolete transitional provisions for implementing the lottery. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

PHB6 Motor fuels tax; alternative fuels retailer definition. Provides that a retailer of alternative fuels includes only those persons maintaining alternative fuel storage facilities and selling or dispensing such fuel "to be used to generate power to operate a highway vehicle."

Patron - Bryant

PHB23 Sales and use tax exemptions; textbooks for free distribution to professors. Extends the sunset date to July 1, 2004, for the sales and use tax exemption for textbooks withdrawn from inventory at book-publishing distribution facilities for free distribution to professors.

Patron - Broman

PHB39 Individual income tax; refunds. Provides that interest shall accrue, which shall be paid to the taxpayer, on individual income tax refunds beginning (i) 30 days after the payment of such tax if the individual filed via electronic means; or (ii) 60 days after payment if the individual filed using a method other than electronic means. The provisions of the bill are effective for taxable years beginning on or after January 1, 2003.

Patron - Woodrum

PHB86 Sales tax reduction program on food; definition of food. Excludes from the definition of food, for purposes of the sales tax reduction program, food sold by any retailer where the gross receipts derived from the sale of food prepared by such retailer for immediate consumption on or off the premises constitutes more than 80 percent of the total gross receipts of that retail establishment.

Patron - Orrock

PHB181 Personal property tax; classification of horse trailers. Adds horse trailers to the separate classification for personal property taxation now reserved for camping trailers and travel trailers.

Patron - Parrish

PHB187 Recordation tax; leases for outdoor advertising signs. Provides that tax on the recordation of leases of outdoor advertising signs owned by a person engaged in the business of outdoor advertising licensed by the Virginia Department of Transportation shall not exceed 25 dollars.

Patron - Parrish

PHB188 Motor fuels tax; corrections to chapter. Makes several technical corrections to certain sections of the motor fuels tax chapter that became effective January 1, 2001.

Patron - Parrish

PHB192 Real property tax; partial exemption for certain rehabilitated, renovated or replacement commercial or industrial structures. Removes the total square footage limitation for replacement commercial and industrial structures for which a partial exemption from the real property tax may be granted by local ordinance. Currently, such replacement structures may not exceed the total square footage of the

replaced structures by more than 110 percent if they are in enterprise zones and 100 percent in all other areas.

Patron - Parrish

PHB193 Soft drink excise tax. Increases the amount of tax in the current top bracket from \$6,000 to \$7,200 for gross receipts exceeding \$10,000,000 but not more than \$25,000,000. It also adds two additional brackets: for gross receipts exceeding \$25,000,000 but not more than \$50,000,000, the tax is \$18,000 and for gross receipts exceeding \$50,000,000 the tax is \$33,000. The soft drink excise tax is imposed on every wholesaler or distributor of carbonated soft drinks.

Patron - Parrish

PHB208 Real property tax; restrictions on partial exemptions and deferrals. Increases from \$6,500 to \$8,500 the amount of income of each relative living in the dwelling who is not the spouse of an owner that may be excluded from the total combined income calculation when determining if the owner of the dwelling qualifies for the partial exemption or deferral of the real property tax.

Patron - Cole

PHB239 Classification of real property; land and improvements. Permits the City of Fairfax to tax improvements to real property at a lower tax rate than that imposed on the land on which the improvements are located by creating a separate classification for taxation purposes. The bill has a delayed effective date of July 1, 2003.

Patron - Petersen

PHB274 Local consumer utility tax; Town of Orange. Allows the local governing body of the Town of Orange to impose the local consumer utility tax by adopting a local ordinance on or after July 1, 2002. When such ordinance is adopted, Orange County may no longer impose the tax within the limits of the Town of Orange.

Patron - Broman

PHB303 Business, professional, and occupational license tax; exemption for condominium assessments. Exempts from the BPOL tax total assessments paid by condominium unit owners for common expenses.

Patron - McDonnell

PHB316 Commissioners of Revenue; penalties for failure to abide by summons. Provides that no person other than the taxpayer shall be convicted for refusing to furnish certain information requested by the commissioner of the revenue unless such person willfully fails to comply with a properly issued summons.

Patron - Howell

PHB317 BPOL tax appeals. Allows a person assessed with a license tax to apply within one year, instead of 90 days, from the last day of the tax year for which the assessment is made or within one year from the date of the appealable event, whichever is later, to the assessor for a correction. Also allows any person assessed with a local license tax as a result of a determination that is adverse to such person to apply within 90 days to the Tax Commissioner for a correction. The bill also allows any person assessed with a local license tax who has filed an application with a local assessing officer and has not received a final determination within two years of such filing, at his option upon not less than 30 days written notice to the assessor, to treat such lack of action as an adverse determination and seek review of the assessment by the Tax Commissioner. An "appealable event" means an increase in the local license tax assessment payable by a taxpayer, the denial of a

refund, or the assessment of a local license tax where none was previously assessed.

Patron - Howell

PHB318 Taxation; local business tax appeals. Extends the time for taxpayers seeking initial review of the assessment of business taxes by the local assessing officer from 90 days to one year from the last day of the tax year for which such assessment is made or from the date of such an assessment. In addition, any taxpayer whose application for a correction of assessment has been denied may apply within 90 days to the Tax Commissioner for correction. The bill also permits a taxpayer to seek review from the Tax Commissioner without a final determination from the local assessing officer if the taxpayer's application for correction to the local assessing officer has been pending for more than two years without a final determination.

Patron - Howell

PHB319 Bank franchise tax; definition of bank. Adds to the definition of "bank" for purposes of being subject to the bank franchise tax, any savings bank that is a member of the Federal Reserve System.

Patron - Howell

PHB438 State Lottery Fund. Creates the Lottery Proceeds Fund as a special nonreverting fund to which the Comptroller deposits the audited balances of the State Lottery Fund, less a special reserve fund, to be used for public education. The bill also deletes an obsolete provision. This bill is identical to SB 50.

Patron - Woodrum

PHB503 BPOL tax; exemption for certain receipts of real estate brokers and agents. Allows real estate brokers to claim an exclusion for commissions paid to agents provided the agent has paid the BPOL tax on such commissions. The bill also allows agents to exclude desk fees and other overhead costs paid to a broker provided the agent identifies the broker to whom such fees have been paid and the broker includes them in its license application.

Patron - Drake

PHB574 Personal property tax; separate classification for biotechnology equipment. Provides a separate classification for tangible personal property tax purposes for equipment used primarily in biotechnology research and development and the production of related products, but not for human cloning purposes or for products or purposes related to human embryo stem cells.

Patron - May

PHB645 Income tax; voluntary contribution cost of administration and voluntary contribution to the Virginia War Memorial Foundation and the National D-Day Memorial Foundation. For all taxable years beginning on or after January 1, 2003, provides that the Department of Taxation may retain up to five percent of all voluntary contributions made on individual income tax returns in a taxable year, not to exceed \$50,000, to defray the Department's costs of administering voluntary contributions. Each organization receiving voluntary contributions will have a pro rata share deducted from its voluntary contribution payment from the Department. Also, for all taxable years beginning on or after January 1, 2003, but before January 1, 2008, allows any individual receiving a tax refund to designate at the time of filing his return a specified dollar amount of such refund, not less than one dollar, to be used by the Virginia War Memorial Foundation and the National D-

Day Memorial Foundation. Any donations will be divided equally between the two foundations.

Patron - O'Brien

PHB721 Taxation; approval of interim and final accountings by commissioner of accounts. Provides that the commissioner of accounts shall not approve interim or final accountings of fiduciaries until he finds that all state, county and city taxes chargeable upon the property in the hands of such fiduciaries have been paid.

Patron - Howell

PHB727 Property tax exemptions; omnibus bill.

Grants a property tax exemption to the following organizations: Stafford Recreational Soccer League; Lake Ridge Community Swim Club, Inc.; Running Man Recreation Association, Inc.; Gemeinschaft Home; STEPS, Inc.; Winchester-Frederick County Conservation Club, Inc.; Caritas of Yorktown, Virginia; Vienna Aquatic Club, Inc.; Tysons-Briar, Inc.; T/A Cardinal Hill Swim and Racquet Club, Inc.; Hunter Mill Swim and Racquet Club, Inc.; Cottontail Swim and Racquet Club, Inc.; Lutheran Social Services of the National Capital Area, Inc.; Branch 99 Fleet Reserve Association, Inc.; Friends of Crossroads, Inc.; Harry Wyatt Family Life Center, Inc.; Sullivan House, Inc.; Transcendental Arts Council; The Conspiracy of Silence; Foodbank of the Virginia Peninsula; Arlington Foundation, Incorporated; Mathews Maritime Foundation, Inc.; Marian Homes; Woodmen of the World Ironwood Camp 269 and Lodge 6035; CAMG-J, Inc.; Heart Havens, Inc.; Richmond Hill, L.P.; The Willis Wharf Village Trust, Inc.; Kiwanis Club of Chester, Inc. Foundation; and Chinese Community Association of Hampton Roads, Inc., and Hottel-Keller Memorial, Inc.

Patron - Howell

PHB748 Income tax; voluntary contribution cost of administration and income tax refund check-off for Home Energy Assistance Fund. For all taxable years beginning on or after January 1, 2003, provides that the Department of Taxation may retain up to five percent of all voluntary contributions made on individual income tax returns in a taxable year, not to exceed \$50,000, to defray the Department's costs of administering voluntary contributions. Each organization receiving voluntary contributions will have a pro rata share deducted from its voluntary contribution payment from the Department. Also, creates an income tax refund check-off for voluntary contributions to the Home Energy Assistance Fund.

Patron - Plum

PHB853 Local real estate taxes; exemption and deferral of tax for the elderly and permanently and totally disabled. Increases from one acre to 25 non-income producing acres the maximum number of acres that may be excluded in determining the combined financial worth limitation for an exemption or deferral of local real estate taxes in the counties, cities, and towns of the Eighth Planning District. Persons at least 65 years of age or permanently and totally disabled are eligible for an exemption or deferral of real estate taxes under local government programs provided such persons fall below certain income and financial worth limitations. In determining the combined financial worth limitation, current law excludes the value of the dwelling and land, not exceeding one acre.

Patron - May

PHB862 Local coal and gas road improvement tax; sunset date. Extends the sunset date for the local coal and gas road improvement tax from December 31, 2002, to December 31, 2007.

Patron - Phillips

PHB909 Taxation; tobacco sales and tax information; penalty. Authorizes the Tax Commissioner to disclose any information collected by or reported to him on the sales or purchases of cigarettes or other tobacco products, and tax information relating to such sales or purchases to any federal, state, or local agency, including any agency of another state or local agency thereof, or any national or regional association of federal, state, or local agencies or to any tobacco product manufacturer required to establish a qualified escrow fund under the Master Settlement Agreement. The bill also requires tobacco product manufacturers to file a monthly report with the Department of Taxation identifying all purchasers of cigarettes by name and address with the quantities and brands of cigarettes purchased during the preceding month, including wholesalers and retailers or any other person within the Commonwealth. Such manufacturers are also subject to audit by the Department. Any manufacturer who fails or refuses to file the report or fails or refuses to allow such an audit will be guilty of a Class 2 misdemeanor and may be subject to a \$5,000 civil penalty. Finally, the bill prohibits any person from purchasing Virginia revenue stamps from anyone other than the Department, or from using, affixing or causing to be used or affixed, Virginia revenue stamps purchased from anyone other than the Department and makes such unlawful activities a Class 6 felony. The Department may revoke the permit issued to any person who violates this section.

Patron - Dudley

PHB911 Real property tax; partial exemption for certain rehabilitated, renovated or replacement residential structures. Removes the requirement that the total square footage of the replacement structures cannot exceed 30 percent of the replaced structure. Instead, the bill allows the locality to establish requirements for the square footage of replacement structures. Incorporates HB 465.

Patron - Oder

PHB963 Transient occupancy tax; additional for any county with the county manager plan of government. Allows any county with the county manager plan of government to impose an additional transient occupancy tax at a rate not to exceed two percent, provided the county's governing body approves the construction of a county conference center. The revenues collected from the additional tax will be designated and spent for the design, construction, operation and debt payment for such conference center.

Patron - Almand

PHB965 Arlington County's authority to impose transient occupancy tax; elimination of sunset provision. Extends the sunset on Arlington County's authority to impose a transient occupancy tax that will expire on December 31, 2002, to January 1, 2006.

Patron - Almand

PHB1054 Misuse of tax preferences. Provides that any organization that knows or should have known that an associate, employee, volunteer, other individual or entity has used its sales tax exemption certificate/letter to make unlawful purchases in the aggregate in excess of \$1,000 in any calendar year shall have its tax exemption certificate/letter suspended by the Tax Commissioner.

Patron - Melvin

PHB1101 Local taxation; treasurers and directors of finance. Makes several purely technical changes recommended by county and city treasurers and directors of finance

to various local revenue statutes. No policy changes are intended or effected.

Patron - Johnson

PHB1118 Sales and use tax exemption; film and audiovisual works. Extends the sunset date from June 30, 2002, to July 1, 2004, for the sales and use tax exemption allowed for certain tangible personal property and services used in the production of audiovisual work.

Patron - Janis

PHB1160 Personal property tax; refund or credit for vehicles sold. Provides that the amount of tax relieved when a vehicle is disposed of after tax day shall be (i) refunded or (ii) credited against other personal property taxes owed by the taxpayer, at the option of the locality. Under current law, the taxpayer is afforded this option.

Patron - Tata

PHB1202 Electric utility consumption tax. Allows any locality not currently receiving the revenues generated by the local consumption tax component paid by the citizens of such locality, to receive such revenues. Currently, such localities do not receive those revenues because they did not impose the license tax as of December 31, 2000.

Patron - Morgan

PHB1221 Cigarette tax; sale of cigarettes produced for export. Requires the Tax Department to maintain for at least three years information identifying the wholesale or retail dealer who affixed the revenue stamps to the cigarettes.

Patron - Albo

PHB1268 Sales and use tax exemptions; omnibus extension bill. Extends the sunset date through June 30, 2003, for several education-related sales and use tax exemptions due to expire on June 30, 2002.

Patron - Parrish

PHB1304 Donations to the general fund. Allows taxpayers to make donations to the Commonwealth's general fund in excess of their tax liability. The Tax Commissioner is directed to list the names of such donors on the Tax Department's website, with the consent of the donor.

Patron - Cox

PHB1322 Income tax; land preservation tax credit. Allows a taxpayer entitled to a land preservation tax credit to transfer such credit to any other taxpayer. The bill also allows the taxpayer a subtraction for any gain or income recognized when calculating Virginia taxable income.

Patron - Howell

PSB15 Property tax exemption; Stafford Recreational Soccer League and others. Provides a property tax exemption to each of the following organizations: Stafford Recreational Soccer League, Friends of Chevre Thelie, Inc., Arlington Foundation, Incorporated, Unified Human Services Transportation System, Inc., Winchester-Frederick County Conservation Club, Inc., Instructive Visiting Nurse Association ("IVNA"), IVNA Home Health Care and IVNA Health Services, Woodmen of the World Ironwood Camp #269 and Lodge 6035, Harry Wyatt Family Life Center (HWFLC), Inc., Heart Havens, Inc., Trevilian Station Battlefield Foundation, STEPS, Inc., Augusta Regional Free Clinic, Inc., Rockbridge Area Free Clinic, Inc., Appalachian Agency for Senior Citizens, Inc., Beth Shalom Terrace, UJFT Community Campus, L.L.C., Shenandoah Arts Council, Fraternal Order of Police.

Patron - Chichester

PSB18 Real property tax; partial exemption for certain rehabilitated, renovated or replacement commercial or industrial structures. Removes the total square footage limitation for replacement commercial and industrial structures for which a partial exemption from the real property tax may be granted by local ordinance. Currently, such replacement structures may not exceed the total square footage of the replaced structures by more than 110 percent if they are in enterprise zones and 100 percent in all other areas.

Patron - Colgan

PSB20 Sales and use tax exemptions; omnibus extension bill. Extends the sunset date through June 30, 2003, for several education-related sales and use tax exemptions due to expire at 12:00 a.m. on June 30, 2002.

Patron - Miller, K.G.

PSB65 Local tax administration; checks payable to treasurer. Requires taxpayers to make checks payable to "Treasurer or the title of other officer who performs the duty of treasurer of (name of political subdivision) or to the political subdivision" for state and local taxes and other amounts that the local treasurer collects.

Patron - Watkins

PSB78 Local severance taxes. Clarifies that in computing severance taxes no deductions are to be made from the fair market value component, including but not limited to, depreciation, compression, marketing fees, overhead, maintenance, transportation fees, and personal property taxes.

Patron - Wampler

PSB119 Real estate tax; partial exemption for structures substantially rehabilitated, renovated or replaced. Removes the restriction that a multifamily-use structure may exceed the multifamily residential unit that it has replaced by no more than 30 percent of the total square footage of the multifamily residential unit to qualify for a partial exemption from local real estate tax.

Patron - Stosch

PSB174 Bank franchise tax. Provides a deduction for a portion of goodwill created in connection with the acquisition or merger of a bank for purposes of determining a bank's capital subject to bank franchise taxes. The deduction applies for bank franchise tax returns required to be filed annually by March 1, beginning with the bank franchise tax return required to be filed by March 1, 2002. The bill also allows banks to file an amended tax return for the bank franchise tax return due by March 1, 2002, in order to reflect the deduction for goodwill.

Patron - Stosch

PSB203 Sales and use tax exemptions; textbooks for free distribution to professors. Extends the sunset date to July 1, 2004, for the sales and use tax exemption for textbooks withdrawn from inventory at book-publishing distribution facilities for free distribution to professors.

Patron - Houck

PSB209 Personal property tax; separate classification for biotechnology equipment. Provides a separate classification for tangible personal property tax purposes for equipment used in biotechnology research and development and the production of related products but not for human cloning purposes or for purposes related to human embryo stem cells.

Patron - Ticer

PSB246 Tangible personal property tax in Alleghany County. Authorizes Alleghany County to retain one-half of the tangible personal property taxes collected, or due and owing, from residents of the Town of Clifton Forge for tax year 2001. The remaining one-half shall be exonerated. If the taxpayer has already paid more than one-half of such taxes, any overpayment shall be refunded and shall include interest as provided under applicable law. Alleghany County levied its 2001 tangible personal property tax on residents of the Town of Clifton Forge, but on January 1, 2001, such persons were still residents of the independent City of Clifton Forge. The City reverted to Town status effective July 1, 2001. Because the tangible personal property tax levied by Alleghany County on Clifton Forge residents was for the entire 2001 tax year, the bill prorates the tax levied and requires an exoneration for that portion of the tax attributable to the period from January 1, 2001, through June 30, 2001. The County may retain that portion of the tax prorated for the period from July 1, 2001, through December 31, 2001. The bill contains an emergency clause.

Patron - Trumbo

PSB255 Public service corporation taxation. Authorizes the State Corporation Commission to audit the books and records of providers of competitive services and billing services. Such providers will be allowed to collect and remit electricity consumption taxes beginning in 2003. If there is an acquisition, consolidation or merger of businesses subject to the special regulatory revenue tax, the acquiring or surviving entity is required to include the gross receipts of the acquired, consolidated or merged entity. The provisions regarding calculation of gross receipts when corporations are acquired is expanded to address acquisitions of any type of taxpayer. The threshold for paying quarterly estimated license tax payments is increased from \$500 to \$5,000. References to the license tax on pipeline distribution companies, which tax was eliminated as of January 1, 2001, are deleted. The measure also deletes redundant language regarding the Commission's duty to adjust rates charged by public utility companies. Finally, the bill requires electric suppliers to report to the SCC all property that they own, lease for more than one year, or operate.

Patron - Watkins

PSB258 Public service corporation taxation; cogenerators. Reenacts the definition of a cogenerator that was in effect until December 31, 2001. The reenactment of the definition of "cogenerator" will be effective retroactive to December 31, 2001.

Patron - Watkins

PSB343 Local enterprise zone program for technology zones. Authorizes the governing body of any county, city, or town to adopt a local enterprise zone development taxation program for any technology zone located within its boundaries, regardless of whether the technology zone has been designated by the Governor as an enterprise zone. The development taxation program shall be adopted by local ordinance. Current provisions for such programs for local enterprise zones shall be applicable to any development taxation program adopted for a technology zone. Under current law, a locality may adopt a local enterprise zone development taxation program for any zone located within its boundaries that is declared by the Governor to be an enterprise zone.

Patron - Ruff

PSB390 Arlington County's authority to impose transient occupancy tax; extension of sunset provision. Extends the sunset on Arlington County's authority to impose

transient occupancy tax that will expire on December 31, 2002, to December 31, 2006.

Patron - Whipple

PSB451 Taxation; tobacco sales and tax information; penalty. Authorizes the Tax Commissioner to disclose any information collected by or reported or provided to him on the sales or purchases of cigarettes or other tobacco products, and tax information relating to such sales or purchases to any federal, state, or local agency, including any agency of another state or local agency thereof, or any national or regional association of federal, state, or local agencies or to any tobacco product manufacturer required to establish a qualified escrow fund under the Master Settlement Agreement. The bill also requires tobacco product manufacturers to file a monthly report with the Department of Taxation identifying all purchasers of cigarettes by name and address with the quantities and brands of cigarettes purchased during the preceding month. Such manufacturers are also subject to audit by the Department. Any manufacturer who fails or refuses to file the report or fails or refuses to allow such an audit will be guilty of a Class 2 misdemeanor and may be subject to a \$5,000 civil penalty. Finally, the bill prohibits any person from purchasing Virginia revenue stamps from anyone other than the Department, or from using, affixing or causing to be used or affixed, Virginia revenue stamps purchased from anyone other than the Department and makes such unlawful activities a Class 6 felony. The Department may revoke the permit issued to any person who violates this section.

Patron - Puckett

PSB524 Income tax; sunset date for voluntary contributions for certain housing programs. Eliminates the January 1, 2003, sunset date for voluntary contributions made from tax refunds for certain Department of Housing and Community Development programs.

Patron - Mims

PSB530 State taxes; accrual and payment of interest on refunds. Requires that interest on refunds of state income taxes accrue 30 days after payment of the tax if the income tax return was filed via electronic means and 60 days if such tax return was filed by other than electronic means. Current law provides that interest accrue 60 days after payment of the tax or 60 days after the last day prescribed by law for such payment, whichever is later. The bill's provisions are effective beginning with taxable year 2003.

Patron - Mims

PSB544 Local real estate taxes; exemption and deferral of tax for the elderly and permanently and totally disabled. Increases from one acre to 25 non-income producing acres the maximum number of acres that may be excluded in determining the combined financial worth limitation for an exemption or deferral of local real estate taxes in the counties, cities, and towns of the Eighth Planning District. Persons at least 65 years of age or permanently and totally disabled are eligible for an exemption or deferral of real estate taxes under local government programs provided such persons fall below certain income and financial worth limitations. In determining the combined financial worth limitation, current law excludes the value of the dwelling and land, not exceeding one acre.

Patron - Mims

PSB557 Motor vehicle sales and use tax; exemption for vehicles purchased by non-Virginia dealers. Provides an exemption from the motor vehicle sales and use tax for motor vehicles purchased by non-Virginia dealers for future resale. In addition, the requirement that dealer's license plates be displayed for dealer vehicles operating upon the public highways

is eliminated. This is currently a condition for maintaining the tax exemption on motor vehicles titled in a dealer's name. The act becomes effective March 1, 2003.

Patron - Stosch

PSB562 Transient occupancy tax; additional for any county with the county manager plan of government. Allows any county with the county manager plan of government to impose an additional transient occupancy tax at a rate not to exceed two percent, provided the county's governing body approves the construction of a county conference center. The revenues collected from the additional tax will be designated and spent for the design, construction, operation and debt payment for such conference center.

Patron - Ticer

PSB668 Eastern Virginia Regional Transportation Program. Authorizes the Hampton Roads Planning District Commission to issue debt in a principal amount not exceeding \$5,990,000,000 to finance the costs of an adequate, modern, safe and efficient transportation network in Hampton Roads. The principal and interest on the bonds shall be paid from an additional one percent retail sales and use tax in the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg (identified by reference to attainment for the one-hour ozone standard pursuant to the Federal Clean Air Act). The sales and use tax shall end upon final payment of the principal and interest on all bonds and other indebtedness issued for the transportation projects. The additional tax and the issuance of the bonds shall only be effective if approved by the voters of such counties and cities in a regional referendum to be held in November 2002. A simple majority of the voters voting at such election in the entire region constituted by such counties and cities is required for the tax to become effective. The bill does not require the affirmative vote of a majority of those voting in any individual county or city for the tax to become effective.

Patron - Williams

PSB685 Local real estate taxes; use value assessment. Provides that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown, the real estate shall consist of at least one quarter of an acre to be eligible for use value assessment and taxation. This would change current law, which provides that such real estate shall consist of a minimum of two acres.

Patron - Ticer

PSB688 Participation in multistate discussions concerning retail sales and use tax. Provides for the appointment of a delegation of members of the General Assembly to participate in multistate discussions regarding the simplification and modernization of tax administration. The Virginia delegation must report to the 2003 and 2004 Sessions of the General Assembly concerning the issues that they are required to consider, including their recommendations, and any other related issues that the delegation deems advisable.

Patron - Hanger

PSJ59 Streamlined Sales Tax Project. Encourages the Governor to provide for the executive branch to participate in the Streamlined Sales Tax Project by appointing the Tax Commissioner as its representative. In addition, the resolution provides that the Joint Rules Committee shall appoint a staff of the

House and Senate Committees on Finance to monitor discussions of the project.

Patron - Hanger

Failed

FHB17 Local option sales tax. The bill imposes local option sales and use taxes of one-half percent to be used for school construction, additions, infrastructure, site acquisition for public school buildings and facilities, renovations, including the costs of retrofitting or enlarging public school buildings, and debt service payments on such school projects that have been completed during the past 10 years. The bill also contains some technical corrections. This bill is incorporated into HB 1170.

Patron - Hull

FHB21 Property tax exemption; Winchester-Fredrick County Conservation Club, Inc. Grants a real property tax exemption to Winchester-Fredrick County Conservation Club, Inc., a charitable and benevolent nonprofit corporation, for real property located in Frederick County. This bill is incorporated into HB 727.

Patron - Sherwood

FHB75 Income tax; qualifying steam producers tax credit. Extends the sunset date from January 1, 2001 to January 1, 2008, for the qualifying steam producers tax credit.

Patron - Putney

FHB117 Property tax exemption; Heart Havens, Inc. Grants an exemption from real property tax to Heart Havens, Inc. for real property located in Westmoreland County and identified as Lot 1 D 3A4 1 and Lot 2 D 3A4 1. This bill is incorporated into HB 727.

Patron - Pollard

FHB162 Income tax; calculating taxable income; age deduction. Increases the age deduction from \$6,000 to \$7,500 for taxpayers ages 62 through 64 and from \$12,000 to \$15,000 for taxpayers 65 years of age and older.

Patron - Lingamfelter

FHB172 Admissions tax; City of Roanoke. Allows the City of Roanoke to levy a higher rate of tax on admissions paid for events held in city-owned facilities. The higher rate of tax may not exceed 10 percent of the admission fee.

Patron - Woodrum

FHB203 Income tax; subtraction for certain third party disability payments. Provides a subtraction for disability benefits paid by a third party insurer to the victim of a crime when the disability resulted from such criminal act, for taxable years beginning on or after January 1, 2003.

Patron - Cox

FHB215 Property tax exemption; Fan Free Clinic. Grants a property tax exemption to Fan Free Clinic, a charitable nonprofit corporation, for property located in the City of Richmond.

Patron - O'Bannon

FHB216 Motor vehicle sales and use tax. Exempts from the motor vehicle sales and use tax vehicles purchased or leased by a non-resident of the Commonwealth outside the Commonwealth.

Patron - O'Bannon

FHB232 Property tax exemption; Sunrise House; Gloria Dei Ministries, Inc. Provides a property tax exemption for the Sunrise House, owned by Gloria Dei Ministries, Inc., used by it partially for charitable purposes on a nonprofit basis.

Patron - Gear

FHB347 Motor fuels tax; exemption for volunteer rescue squads. Exempts from taxation the motor fuel used to operate or propel the equipment used by volunteer rescue squads for rescue purposes.

Patron - Wright

FHB465 Real property tax; partial exemption for certain rehabilitated, renovated or replacement residential structures. Removes the requirement that the total square footage of the replacement structures cannot exceed 30 percent of the replaced structure. Instead, the bill allows the locality to establish requirements for the square footage of replacement structures. This bill is incorporated into HB 911.

Patron - Suit

FHB516 Property tax exemption; Richmond Hill, L.P. Grants a property tax exemption to Richmond Hill, L.P., a charitable nonprofit organization, for property located in the City of Richmond. This bill is incorporated into HB 727.

Patron - Baskerville

FHB532 Electronic dissemination of public records. Requires that all personal information of law-enforcement officers (including names, addresses, telephone numbers and social security numbers) be redacted from records of the circuit courts and tax information (including real property assessments) that are made public by means of display on the Internet.

Patron - Devolites

FHB616 Property tax exemption; The Willis Wharf Village Trust, Inc. Grants a real and personal property tax exemption to The Willis Wharf Village Trust, Inc., a nonprofit, charitable, historical, benevolent, cultural and public park organization for property it owns in Northampton County. This bill is incorporated into HB 727.

Patron - Bloxom

FHB656 Sales and use tax. Authorizes counties and cities to levy an additional local sales and use tax at a rate of one-half of one percent with the revenues generated from such tax reserved solely for public education purposes. The tax shall be adopted by local ordinance only after prior approval by the voters at a local referendum. The ordinance shall become effective on the first day of a month at least 60 days after its adoption, but in no event, prior to April 1, 2003. The bill also increases the state sales and use tax by one percent in all cities and counties within the Eighth Planning District. One-half of the revenues from such increase shall be distributed to such counties and cities based on point-of-sale and may only be used for transportation or education-related purposes. The remainder of such revenues shall be distributed to the Northern Virginia Transportation Authority ("Authority"). The Authority is authorized to issue bonds in the principal amount of \$2,380,000,000 for transportation projects in the Northern Virginia Regional Transportation Program. The additional state sales and use tax would be effective April 1, 2003, but is contingent upon approval of the additional tax by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District on November 5, 2002.

Patron - Dillard

FHB657 Sales and use tax; additional tax in Eighth Planning District to fund education and transportation projects. Increases the state sales and use tax by one percent in all cities and counties within the Eighth Planning District. One-half of the revenues from such increase shall be distributed to such counties and cities based on point-of-sale and may only be used for transportation or education-related purposes. The remainder of the revenues shall be distributed to the Northern Virginia Transportation Authority ("Authority"). The Authority is authorized to issue bonds in the principal amount of \$2,380,000,000 for transportation projects in the Northern Virginia Regional Transportation Program. The additional sales and use tax would be effective April 1, 2003, but is contingent upon approval of the additional tax by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District on November 5, 2002.

Patron - Dillard

FHB717 Sales and use tax; direct payment permits. Broadens the group of taxpayers, under certain circumstances, that the Tax Commissioner may allow to pay the sales and use tax directly to the Commonwealth thereby waiving collection of the tax by the dealer.

Patron - Howell

FHB741 Local cigarette tax; authority to impose extended to all localities. Provides counties the same authority to levy the local cigarette tax that cities and towns currently enjoy, subject to approval by voter referendum. Repeals the section that allows only Fairfax and Arlington Counties to impose the tax.

Patron - Barlow

FHB742 Local cigarette tax; authority to impose extended to all localities. Provides counties the same authority to levy the local cigarette tax that cities and towns currently enjoy. Repeals the section that allows only Fairfax and Arlington Counties to impose the tax.

Patron - Barlow

FHB743 Severance tax; sand, marl, and gravel. Authorizes the governing body of any county or city to impose a license tax, if approved in a local referendum, on persons engaged in the business of severing sand, marl, or gravel from the earth at a rate not to exceed one percent of the gross receipts from the sale of sand, marl, or gravel severed within such county or city.

Patron - Barlow

FHB744 Severance tax; sand, marl, and gravel. Authorizes any county or city to impose a license tax on persons engaged in the business of severing sand, marl, or gravel from the earth at a rate not to exceed one percent of the gross receipts from the sale of sand, marl, or gravel severed within such county or city.

Patron - Barlow

FHB749 Motor vehicle sales and use tax; reduced rate for certain vehicles. Reduces the sales and use tax from three percent to one and one-half percent on motor vehicles (i) running on a fuel that results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination thereof and includes compressed natural gas, liquified natural gas, liquified petroleum gas, hydrogen, and hythane or (ii) propelled primarily by electric charge.

Patron - Plum

FHB860 Local severance taxes; additional one percent; revenues used for construction of water systems.

Authorizes counties and cities to impose an additional local severance tax on persons engaging in the business of severing gases from the earth. A county or city may impose this additional tax at a rate not to exceed one percent of the gross receipts from the sale of gases severed within the county or city. The effective date of the bill is July 1, 2002, and the increase is applicable for license years beginning on or after January 1, 2002. The revenues from this increase shall be used for constructing new and improved water systems and lines in areas with natural water supplies that are insufficient in quality or quantity. This bill would increase the total license tax rate that counties and cities may currently levy on businesses severing gases from three percent to four percent.

Patron - Phillips

FHB861 Motor fuels tax; exemptions. Provides an exemption from the motor fuels tax for any nonprofit charitable organization that is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and that is organized and operated for the purpose of providing public transportation for counties, cities or towns.

Patron - Phillips

FHB864 Taxation of public service corporations; sunset date extension for Virginia Coal Employment and Production Incentive Tax Credit. Extends the sunset date for the Virginia Coal Employment and Production Incentive Tax Credit from January 1, 2005, to January 1, 2007.

Patron - Phillips

FHB1026 Reduced sales and use tax for certain clothing, footwear, and computers. Establishes a state sales and use tax exemption during the period from August 31 through September 6, 2002, and every August 31 through September 6 thereafter, for "clothing and footwear" costing less than \$500 per article; "computer systems" costing less than \$1,500; and "computers," "computer hardware," and "computer software" costing less than \$500. The bill also requires the Department of Taxation to promulgate regulations that implement the temporary exemption program by August 15, 2002.

Patron - Moran

FHB1052 Sales and use tax on food purchased for human consumption. Exempts food purchased for human consumption, as defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, from state and local sales and use taxes, effective July 1, 2002. The bill provides for a General Fund reimbursement for the current (i) one-half percent of the state sales and use tax paid into the Transportation Trust Fund, (ii) one percent local sales and use tax, and (iii) one percent sales and use tax distributed to localities by school population.

Patron - Darner

FHB1095 Local cigarette tax; authority to impose extended to all localities. Provides counties the same authority to levy the local cigarette tax that cities and towns currently enjoy. Repeals the section that allows only Fairfax and Arlington Counties to impose the tax.

Patron - Brink

FHB1163 Sales and use tax; additional tax in Eighth Planning District to fund education and transportation projects. Increases the state sales and use tax by one percent in all cities and counties within the Eighth Planning District. One-half of the revenues from such increase shall be

distributed to such counties and cities based on point-of-sale and may only be used for education-related purposes. The remainder of the revenues shall be distributed to the Northern Virginia Transportation Authority ("Authority"). The Authority is authorized to issue bonds in the principal amount of \$2,380,000,000 for transportation projects in the Northern Virginia Regional Transportation Program. The additional sales and use tax would be effective January 1, 2003, but is contingent upon approval of the additional tax by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District on November 5, 2002. This bill is incorporated into HB 1296.

Patron - Hull

FHB1170 Sales and use tax; rate increase.

Increases the state sales and use tax one-half percent from 3.5 percent to four percent. The one-half percent increase will be distributed to counties and cities based on school-age population and used solely for capital projects for public school construction and public school infrastructure improvements including, but not limited to, technology infrastructure; additions, renovations, and retrofitting of existing school buildings; new school construction; and site acquisition.

Patron - Dillard

FHB1172 Tax assessment appeals process. Establishes a new appeals process for taxpayers assessed with individual and corporate income tax and aggrieved by any such assessment or by the Tax Commissioner's determination. Taxpayers may file an appeal with an independent hearing examiner appointed by the Attorney General from a list of experienced tax attorneys. The bill also eliminates the requirement that a taxpayer must first pay a contested tax assessment or post a bond before he may challenge in circuit court concerning an income tax assessment. Finally, the bill allows for a protective claim for refund of the income tax to be filed within one year after either the Tax Commissioner's or independent hearing examiner's determination.

Patron - Howell

FHB1194 Property tax exemption; Kiwanis Club of Chester, Inc. Foundation. Grants a real property tax exemption to the Kiwanis Club of Chester, Inc. Foundation, a public park and playground nonprofit corporation, for real property located at 4001 Gill Street, Chester, Virginia, in Chesterfield County. This bill is incorporated into HB 727.

Patron - Nixon

FHB1265 Income tax; voluntary contribution of refund to Pre-Release and Post-Incarceration Services (PAPIS) Fund. Allows individuals entitled to an income tax refund to contribute a portion, at least \$1.00, or all of the refund to the Department of Criminal Justice Services for the Pre-Release and Post-Incarceration Services program, for taxable years beginning on and after January 1, 2003, but before January 1, 2008. The program provides support by means of grants to public or private nonprofit organizations for pre-release and post-incarceration professional services and guidance that increase the opportunity for successful reentry and reintegration into local society by incarcerated adult offenders.

Patron - Baskerville

FHB1296 Sales and use tax; additional tax in Northern Virginia Highway Construction District to fund transportation projects. Increases the state sales and use tax by one-half percent in all cities and counties within the Northern Virginia Highway Construction District. The revenues from such increase shall be deposited into the Northern Virginia Transportation Fund to fund transportation projects in such cities and counties. The bill also increases the maximum

principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program from \$471.2 million to \$2,746,200, specifies additional transportation projects to be funded by such bonds, and authorizes the Northern Virginia Transportation Authority to designate additional transportation projects to be paid for from the Northern Virginia Transportation Fund under certain conditions. The bill repeals the right of certain localities to impose a local income tax, and also requires an annual independent analysis and evaluation of the Department of Transportation's performance in each locality in the Northern Virginia highway construction district. The bill has a delayed effective date of July 1, 2003, and is contingent upon approval by a majority of persons voting in a joint referendum on November 5, 2002, of all the cities and counties in the Northern Virginia highway construction district. Incorporates HB 1163.

Patron - Rollison

FHB1356 Income tax credits for school tuition organization contributions; the Virginia Children's Educational Opportunity Act 2002. Establishes an income tax credit for cash donations to a charitable tax-exempt corporation in Virginia that (i) provides financial assistance of up to \$3,100 per child for the education of children from low-income and non low-income households, and (ii) expends all of certain cash contributions as grants to cover qualifying educational expenses of such children. Support for home schooling is limited to \$550 per child. The maximum amount of the annual credit is \$500 or the amount of tax owed by the taxpayer, whichever is less. Such contributions cannot be designated for the direct benefit of a specific child and all contributions cannot be expended on students of one school. The tax credit becomes effective for taxable years beginning on or after January 1, 2003. The Department of Taxation is required to promulgate regulations to implement these credits, including providing the format for a standardized receipt to be issued by school tuition organizations and qualifying schools.

Patron - Cox

FHJ77 Historic preservation tax credits. Urges the Congress to expand use of federal historic preservation tax credits to qualified owner-occupied structures. This resolution is identical to HR 22 (Suit).

Patron - Suit

FHJ133 Administrative procedures of the Department of Taxation. The Joint Legislative Audit and Review Commission (JLARC) is requested to examine (i) the Department of Taxation's new enhanced computer system and its impact on collections of both the state income tax and the sales and use tax; (ii) the problems arising from the new income tax return form; (iii) how the new computer system and the new tax return impacted the refund procedure during the past two years; and (iv) any other information regarding the administration of state taxes by the Department that would assist the General Assembly in its tax policy decisions. The Commission must report its written findings and recommendations to the Governor and the 2003 General Assembly.

Patron - Phillips

FSB2 Sales and use tax exemption; MacCallum More Museum and Gardens. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2006, to a 501 (c) (3) corporation operating as a museum and gardens (i) to promote the appreciation of the fine arts; (ii) to establish, own, maintain, and operate an arts center to conform to standard museum practices; (iii) to display, sell, purchase and own articles of art; (iv) to support the arts in the local school system; and (v) to encourage local artists' participation in its programs.

Patron - Ruff

FSB9 Property tax exemption; Friends of Chevra Thelim, Inc. Grants a property tax exemption to Friends of Chevra Thelim, Inc. for real property owned by the organization and located at 607 Effingham Street in the City of Portsmouth. This bill is incorporated into SB 15.

Patron - Lucas

FSB11 Sales and use tax exemption; Danville Community College Educational Foundation, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized to promote the growth, progress and general welfare of a community college located within the boundaries of the Twelfth Planning District established pursuant to § 15.2-4203 through, including but not limited to, providing funds, personnel or other aids for the strengthening, development and enlargement of the college and its programs; making donations or contributions to, or assisting in the support of, college activities; or purchasing or making contributions toward the acquisition of books, materials and equipment or the erection and construction of college buildings and facilities.

Patron - Hawkins

FSB14 Property tax exemption; Arlington Foundation, Incorporated. Grants a property tax exemption to Arlington Foundation, Incorporated, a historical nonprofit corporation, for real property known as the Custis Tombs and identified as Tax Map Nos. 0097A-((02))-00-000A and 0097A-((02))-00-001 and personal property thereon located in Northampton County. This bill is incorporated into SB 15.

Patron - Norment

FSB16 Sales and use tax; refunds. Provides that all nonprofit organizations exempt under §§ 501 (c) (3) or (c) (4) of the Internal Revenue Code may apply for a refund of retail sales and use tax on purchases made on and after January 1, 2003. Certain educational, medical-related, nonprofit civic and community service, nonprofit cultural, and miscellaneous organizations that were exempt from sales and use tax as of July 1, 2002, will also be required to apply for a refund for any purchases made on and after January 1, 2003. The amount of the refund shall equal 100 percent of the amount of tax paid. Applications for refunds may be filed quarterly with the Department of Taxation beginning with calendar year 2003. If the amount to be refunded is at least \$5,000, the organization may apply for the refund at any time during the calendar year. Most nonprofit organizations will no longer be subject to review by the General Assembly for sales and use tax purposes. The amount of the refund attributable to the local sales and use tax shall be deducted from the monthly distributions of sales tax revenues to localities. Interest shall accrue and be paid on any refund not paid within 59 days after an application for a refund is filed with the Department. Interest shall begin to accrue on the sixtieth day and shall end on the date that the refund is issued. There is no sunset date for the refund provisions of the bill.

Patron - Miller, K.G.

FSB37 Local income tax; authority for cities to impose. Authorizes cities to impose a local income tax in increments of one-quarter percent up to a maximum rate of one percent with the revenues from such tax to be used for education or transportation purposes. The tax may be levied upon passage of a duly adopted ordinance by the governing body of the city. Any local income tax adopted by ordinance may be levied for a period not to exceed 10 years.

Patron - Miller, Y.B.