

be consistent with the constitutional requirements for passage of legislation that does not become effective in due course.

Patron - O'Bannon

PHB2594 Health; Family Access to Medical Insurance Security Plan eligibility. Provides 12 continuous months of coverage for eligible children residing in Virginia whose family income does not exceed 200 percent of the federal poverty level during the enrollment period as permitted by Title XXI of the Social Security Act.

Patron - Brink

PHB2602 Construction and operation of treatment works. Gives the State Water Control Board (SWCB) and the Department of Environmental Quality sole authority to regulate the construction and operation of sewage treatment plants, including the review and approval of the plans and specifications for such facilities. This means that the SWCB will issue the certificates to construct and operate the facility. Currently, this is the joint responsibility of the Board of Health and the SWCB.

Patron - Bryant

PHB2772 Licensure of hospice programs and facilities. Provides that any entity licensed as a hospice may concurrently hold a license as an assisted living facility and may provide hospice care to such residents. An entity licensed as an assisted living facility may concurrently hold a license as a hospice and provide hospice care.

Patron - Morgan

PHB2810 Department of Health; regulation of bedding and upholstered furniture. Provides that the Health Department is authorized to inspect the premises of the holder of a license or permit who deals in the sale of bedding and upholstered furniture only upon a complaint. In addition to the penalties provided for a violation under the Health Department, it shall also be a prohibited practice under the Consumer Protection Act.

Patron - Athey

PHR42 Medical Equipment Recovery of Clean Inventory (MERC) program. Encourages all hospitals in Virginia to adopt the MERC program to eliminate the disposal of usable medical supplies and provide such supplies to missions and programs in need.

Patron - Van Yahres

PSB763 Home Care Services Advisory Committee. Abolishes the Home Care Services Advisory Committee. The Committee advises and makes recommendations to the State Board of Health regarding the regulations of home care organizations. The Committee has been inactive and has not met since 1994. An advisory committee convened by the State Department of Health carries out the functions of the Home Care Services Advisory Committee, including the provision for public participation. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Ruff

PSB805 AIDS Advisory Committee. Abolishes an advisory committee to the State Board of Health known as the AIDS Services and Education Grants Program Advisory Committee. The Committee was established in 1989 to assist the Board in awarding acquired immunodeficiency syndrome services and education grants. The Committee is constituted on an ad hoc basis when there are new grants to award. The State

Department of Health would continue to seek the advice of experts knowledgeable in HIV issues to assist with the administration of the grants process. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Martin

PSB831 Suspicious deaths. Provides that reports and autopsies of the medical examiner performed for suspicious deaths must be given to the appropriate law-enforcement agency investigating the death. Currently, copies of these documents must be delivered to the appropriate attorney for the Commonwealth and are often supplied to law-enforcement officials, upon request.

Patron - Marsh

PSB966 Certain private waterworks; appointment of receiver. Grants the Commissioner of Health the authority, in addition to the other civil and criminal penalties and injunctive or other relief, to petition the circuit court for the jurisdiction in which any private waterworks is located for the appointment of a receiver. The Commissioner must find that the waterworks is unable or unwilling to provide adequate and safe service for any of the following reasons: (i) the waterworks can no longer be depended upon to furnish pure water; (ii) the waterworks has inadequate capacity to furnish pure water to its customers; (iii) the owner has failed to comply with an order issued by the Commissioner; (iv) the owner has abandoned the waterworks and has discontinued supplying pure water to his customers; (v) the owner is subject to a forfeiture order on his bond; or (vi) the Commissioner has issued an emergency order because there is an imminent danger to the public health and welfare resulting from the operation of the waterworks or the source of the water supply. Upon the filing of a petition for appointment of a receiver for a private waterworks, the court must hold a hearing within 10 days, at which time the Commissioner and the owner of the waterworks may present evidence. The court may grant the petition if it finds any one or more of the named conditions and the court further finds that the conditions will not be remedied and that the health and welfare of the owner's customers will not be protected unless the petition is granted. Upon appointment, the receiver will take possession of the assets of the waterworks and operate the waterworks in the best interests of the customers. The receiver will have such powers and duties to operate and manage the waterworks as the court may grant and direct, including the filing of such reports as the court may direct and the power to receive, conserve, protect, and disburse funds. The court may grant injunctive relief as it deems appropriate to the Commissioner or the receiver either in conjunction with or subsequent to the granting of a petition for appointment of a receiver under this section. Control of and responsibility for the waterworks will remain in the receiver until the waterworks can, in the best interest of the customers, be returned to the owner, transferred to a new owner, or otherwise configured as the court may determine to be in the best interests of the public and the customers. The court may terminate the receivership on the motion of the Commissioner, the receiver, or the owner, upon finding, after a hearing, that the conditions initiating the petition for the appointment of a receiver have been eliminated or resolved. Within 30 days after such termination, the receiver shall file a complete report of his activities with the court, including an accounting for all property of which he took possession and all funds collected. A receiver appointed pursuant to this provision will be an officer of the court, will not be liable for the conditions of the waterworks that existed prior to his receivership, and will not be personally liable, except for his own gross negligence or intentional acts, to injuries or damage

to property relating to the waterworks, during his receivership. This immunity provision cannot, however, be construed to relieve any owner of any duty imposed by law or of any civil or criminal liability incurred by reasons of any act or omission of such owner.

Patron - Watkins

PSB1008 Medical assistance services; consumer-directed care. Requires the Department of Medical Assistance Services to prepare, and authorizes the Department to seek approval of, an application for (i) a revision of the consumer-directed personal care services waiver to allow spouses, parents, adult children, and guardians to direct care on behalf of the waiver recipient, when such recipient is incapable of directing such care on his own behalf and (ii) a new waiver for home- and community-based services, as soon as such waiver template becomes available. Any such waiver revision or new waiver must be cost-neutral and must expand consumer-directed care in so far as practicable. Any such waiver application must protect the health and safety of recipients as well as the fiscal integrity of the Commonwealth. Such waiver will provide for a fiscal agent to handle tax issues and payment of personal attendants on the part of recipients. In addition, any such waiver application will (a) provide recipients with flexible choices and personal independence in so far as possible and (b) include provisions for family members to deliver the covered services when consistent with and not prohibited by federal law and regulation. This provision or any new or revised project that may be, but is not required to be, implemented must not be construed as creating any legally enforceable right or entitlement to consumer-directed care, the Virginia Plan for Medical Assistance Services, or Title XIX of the Social Security Act, as amended, on the part of any person or to create any legally enforceable right or entitlement to participation in any consumer-directed care by any person. A second enactment clause authorizes the Board of Medical Assistance Services to promulgate emergency regulations, upon the approval by the Centers for Medicare and Medicaid Services of any application for revision of the consumer-directed personal care services waiver or for any new waiver that may be submitted by the Department of Medical Assistance Services pursuant to this act. Further, a third enactment clause authorizes the Board of Medical Assistance Services to use, when in compliance with the Administrative Process Act (§ 2.2-4000 et seq.), electronic media as much as possible during the promulgation of the regulations, including, but not limited to, posting documents to and receiving comments via the Department's website, by e-mail and fax. The Board must, however, continue to provide public notice and participation to those persons who do not have access to the Internet or other forms of electronic media. This bill incorporates SB 1216.

Patron - Potts

PSB1010 Notification of cancer patients of reports to the statewide cancer registry. Revises the requirements for notification of cancer patients of reports to the statewide cancer registry that must currently be implemented by the Commissioner of Health to require the physician diagnosing a malignant tumor or cancer, at such time and in such manner as considered appropriate by the physician, to notify each patient whose name and record abstract is required to be reported to the cancer registry that personal identifying information about him has been included in the registry as required by law. This provision authorizes the physician to notify, when the notice would be, in the opinion of the physician, injurious to the patient's health or well being, the patient's authorized representative or next of kin in lieu of notifying the patient. In addition, upon request to the statewide cancer registry, the patient whose personal identifying information has been submitted to such

registry has a right to know the identity of the reporter of his information to such registry. This bill is identical to HB 1743.

Patron - Potts

PSB1068 Health; local health partnership authorities. Extends the sunset provision from July 1, 2003, to July 1, 2006, for local health partnership authorities. The bill also would require any local health partnership authority to report on an annual basis any programmatic initiatives to the Joint Commission on Health Care. The bill is identical to HB 1695.

Patron - Puller

PSB1082 Protocol for testing children for elevated blood-lead levels. Mandates that the Board of Health require, in its protocol for testing children for elevated blood-lead levels, testing at appropriate ages and frequencies, when indicated. The present protocol provides criteria to determine that a child is not at risk of lead poisoning and testing is not required. Currently, the protocol also notes that testing "should" be conducted at certain intervals. Lead poisoning causes permanent neurological injury, particularly to young children, which can result in mental retardation and even death. During the past year, controversy concerning the effectiveness of merely recommending the testing has arisen. This bill is a recommendation of the Joint Subcommittee Studying Lead Poisoning Prevention.

Patron - Lambert

PSB1083 Sharing of protected health information between state agencies. Expands the authority to share protected health information to include the Department of Rehabilitative Services and the Departments for the Aging, the Blind and Vision Impaired, and the Deaf and Hard-of-Hearing or any successors in interest thereof. Present law, enacted in 2002, was intended to clarify the authority of various state departments to obtain and the discretion of health care providers to disclose protected health information in compliance with the regulations promulgated by the federal Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996, as amended. The present statute covers the Departments of Health, Medical Assistance Services, Mental Health, Mental Retardation and Substance Abuse Services, and Social Services. This provision extends this protection and authority to the other agencies within the purview of Virginia's Secretary of Health and Human Resources. The implementation of the 2002 provision has been estimated by the relevant auditors within the presently covered agencies to have saved the Commonwealth more than \$1 million since July 1, 2002. This provision is a recommendation of the Joint Subcommittee Studying Lead Poisoning Prevention.

Patron - Lambert

PSB1088 Land application of sewage sludge; requirements and regulations; study; report. Amends current biosolids land application law by establishing standard complaint and investigation procedures, including the maintenance of a searchable electronic database of complaints by the Virginia Department of Health (VDH). The bill requires nutrient management plans (NMPs) prepared by persons certified by the Virginia Department of Conservation and Recreation (DCR) for all land application sites, regardless of the frequency of application. Under current VDH regulations, only sites where biosolids are applied more than once every three years are required to prepare NMPs prior to permit issuance. The bill also requires DCR approval of all NMPs for sites where the permit authorizes land application more than once every three years at greater than 50 percent of agronomic rates, and certain sites operated by the owner or lessee of a Confined Animal Feeding Operation or Confined Poultry Feeding Operation.

The bill allows VDH to incorporate into the permit reasonable site-specific special conditions to protect the environment or the health, safety and welfare of persons residing in the vicinity of the proposed application site. VDH must also include in its notice of special conditions such site-specific conditions recommended by the locality. The permit applicant will have at least 14 days to respond to the proposed conditions and any objections shall be heard by the Health Commissioner. The bill requires permit holders to provide VDH with evidence of financial responsibility, to be established regulation, which shall be available to pay claims for cleanup costs, personal injury and property damage. The bill creates a land application certification program to be established by VDH pursuant to which all future land application sites must have a certified land applicator on location at all times during the application process. The bill grants localities that have adopted a biosolids testing and monitoring ordinance the authority to order the abatement of land application activity for violations of relevant laws and regulations. Finally, the bill requests that VDH review certain reports of the National Research Council and the United States Environmental Protection Agency, report its findings to the Virginia Board of Health by June 30, 2004, and if requested by the Board, initiate rulemaking proceedings by September 1, 2004.

Patron - Bolling

PSB1091 Health care data reporting. Requires licensed dentists who are registered as oral and maxillofacial surgeons and certified to perform certain procedures by the Board of Dentistry pursuant to § 54.1-2709.1, to submit required outpatient surgery data relating to several procedures. Only those procedures requiring certification under § 54.1-2709.1 will be reported.

Patron - Bolling

PSB1218 Children's health insurance. Establishes a program incorporating both Medicaid and the Family Access to Medical Insurance Security (FAMIS) Plan in order to provide coordinated services to individuals defined as children in these programs. The Medicaid portion is named FAMIS Plus. The bill codifies current practice of requiring the use of a single application to determine eligibility for both Medicaid coverage for children and FAMIS. Coverage for the mental health services currently provided for children enrolled in Medicaid is extended to individuals eligible for FAMIS. The bill reduces the waiting period from six to four months between the time that a child was covered by private health insurance and when eligibility for FAMIS can be established. [The cost-sharing requirements are amended to clarify that the annual aggregate cost-sharing for all eligible children in a family between 100 percent and at or below 150 percent of the federal poverty level will be limited to nominal copayments and the annual aggregate cost-sharing will not exceed 2.5 percent of the family's gross income. The nominal copayments for all eligible children in a family will not be less than those in effect on January 1, 2003.] This bill is identical to HB 2287.

Patron - Lambert

PSB1224 Emergency medical services technician (EMTs) authorization to possess and administer epinephrine. Requires the Board of Health's regulations on certification of emergency medical services technicians to authorize certain levels of EMTs to possess and administer epinephrine in emergency cases of anaphylactic shock. Clarifying amendments are added to the Good Samaritan law and to the Drug Control Act to reinforce this authorization.

Patron - Williams

PSB1226 Certificate of public need; regulations authorizing a single application for all proposed cancer

care center services. Clarifies that, in any structured batching process established by the Board of Health for certificate of public need, applications, combined or separate, for computed tomographic (CT) scanning, magnetic resonance imaging (MRI), positron emission tomographic (PET) scanning, radiation therapy or nuclear imaging will be considered in the radiation therapy batch. A single application may be filed for a combination of (i) radiation therapy and (ii) any or all of the CT scanning, MRI, PET scanning, and nuclear medicine imaging. This bill is identical to HB 1621.

Patron - Williams

PSB1250 Prehospital patient care reports; disclosure. Authorizes licensed emergency medical services agencies to disclose prehospital patient care reports to law-enforcement officials upon request (i) when the patient is the victim of a crime or (ii) when the patient is in the custody of the law-enforcement officials and has received emergency medical services or has refused emergency medical services. This bill also includes technical amendments.

Patron - Quayle

PSB1264 Health care data reporting. Revises the fee structure for processing, verification, and dissemination of reported health care data. The limitation on the Board's authority to prescribe a reasonable fee that does not exceed one dollar per discharge is removed. The Board continues to be authorized to prescribe a reasonable fee for each affected health care provider to cover the costs of the reasonable expenses of establishing and administering the data processing methodology and to establish a tiered-fee structure. The nonprofit organization's authorization to charge and collect fees prescribed by the Board and to charge a fee of up to one dollar for records that it determines are not processed, verified data is removed. A specific prohibition against the nonprofit organization assessing any fee against any health care provider that submits processed, verified, and timely data is stated. The Board of Health is required to establish penalties for submission of data in a manner that is inconsistent with its standards. The requirement for the Board to maintain records of its activities; collect and account for all fees and deposit the moneys in a special fund; and enforce all regulations is moved to a new subsection.

Patron - Bolling

PSB1267 Health; Certificate of Birth Resulting in Stillbirth. Requires, upon the request of either individual listed as the mother or father on a report of fetal death in the Commonwealth, the issuance of a Certificate of Birth Resulting in Stillbirth for unintended, intrauterine fetal deaths occurring after a gestational period of 20 weeks or more. The requesting mother or father may provide a name for the stillborn child on the Certificate. The Board of Health is required to prescribe a reasonable fee to cover the administrative costs and preparation of the Certificate. This provision will apply retroactively to any circumstances that would have resulted in the issuance of a Certificate of Birth Resulting in Stillbirth, as prescribed by the Board. This bill is identical to HB 1450.

Patron - Newman

PSB1341 Prescription assistance mechanisms. Creates a special, nonreverting fund to be known as the Healthy Lives Prescription Fund, under the auspices of the Secretary of Health and Human Resources, to accept appropriations, donations, grants, and in-kind contributions to develop and implement programs that will enhance current prescription programs for citizens of the Commonwealth who are without insurance or the ability to pay for prescription drugs and to develop innovative programs to make such prescription drugs more available. The Commissioner of Health must create links from the Department of Health's website to the Department for

the Aging's website and its affiliated sites pertaining to pharmaceutical assistance programs and pharmaceutical discount purchasing cards. The Commissioner of the Department for the Aging must cooperate with the Commissioner of Health by ensuring that such information is available on the Department for the Aging's website. The Commissioner of Health must also ensure that all clinical sites administered by local health Departments are provided with adequate information concerning the services of the Virginia Department for the Aging, including, but not limited to, the toll-free telephone number and website information on pharmaceutical assistance programs and pharmaceutical discount purchasing cards. Both commissioners must coordinate the dissemination of information to the public regarding any pharmaceutical discount purchasing card programs while maintaining a neutral posture regarding such programs. The Commissioner of Health must establish a toll-free number to be administered by the Department of Health that will provide recorded information concerning services provided by the Department for the Aging, the Virginia Area Agencies on Aging, and other appropriate organizations for senior citizens. A second enactment clause requires the Joint Commission on Health Care or any successor in interest thereof to prepare a plan to establish the Health Lives Prescription Assistance Program to provide prescription drug benefits for low-income senior citizens and persons with disabilities, which must include consideration of the resources of both the public and private sectors. The plan will be prepared in cooperation with the Secretary of Health and Human Resources, the Virginia Health Care Foundation, pharmaceutical manufacturers, health care provider organizations, advocacy groups, and other interested parties. In preparing the plan, the Joint Commission on Health Care must review and incorporate, to the maximum extent possible, the conclusions of the Joint Commission on Prescription Drug Assistance. The plan must coordinate state, federal and private programs providing prescription assistance, including any programs the federal government may implement. The plan will be reported to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Education and Health by October 15, 2003. This bill is identical to HB 2225.

Patron - Potts

PSJ325 Long-term care. Recognizes the problems affecting the provision of long-term care services to Virginia citizens. Some of these problems include increasing long-term care costs, decreased Medicaid reimbursement, lack of nursing personnel, increasing liability costs, and the low incidence of long-term care insurance purchase. The Clerk of the Senate is directed to forward a copy of this resolution to the Joint Commission on Health Care for consideration during its deliberations.

Patron - Martin

Failed

FHB1469 Department of Medical Assistance Services; Virginia Insurance Plan for Seniors (VIPS). Establishes the VIPS to provide assistance in the purchase of prescription drugs for those persons who are dually eligible for Medicaid and Medicare but who do not qualify for prescription assistance. Payment assistance is limited to \$80 per month per eligible person, but unused amounts may be rolled over and credited to that person for future use. However, no direct cash payment will be made to any eligible person. Participants must pay a \$10 co-payment for each prescription. They are also required to use generic drugs unless they are willing to pay the difference between the generic and name-brand drug.

Approved drugs in the Plan are those manufactured by pharmaceutical companies that agree to provide manufacturer rebates equal to the rebate required by the Medicaid program and to make the drug product available to the Plan for the best price that the manufacturer makes the drug available in the Medicaid program. Any licensed pharmacist may participate according to the rules adopted for the program and shall be paid a reasonable reimbursement to cover the cost of the drug and costs for dispensing; payments to pharmacists shall not vary based on the size of the entity dispensing the prescription. Beneficiary cost-sharing amounts shall not vary based on the source of dispensing or method of distribution of the prescription.

Patron - Purkey

FHB1470 Health; reports by hospitals. Requires the Board to collect and hospitals licensed by the Board to report on infections contracted by patients while in the hospital. Information, while ensuring the anonymity of the patients, shall be shared with the Division of Consumer Counsel and the Administrator of Consumer Affairs for appropriate action.

Patron - Purkey

FHB1591 Onsite sewage evaluations and septic system permits. Provides that, when a field analysis is necessary to protect the public health and integrity of the Commonwealth's environment, the Department of Health must conduct the field analysis prior to issuing a letter, permit or approval. If a field analysis is conducted, for any reason, after initiation of construction and the system design or site evaluation is found to be out of compliance with the Board's regulations, the permit shall remain valid and shall not be revoked. For the purposes of the Onsite Sewage Indemnification Fund, no negligence shall be impugned to the Department of Health if a system having a negative field analysis after initiation of construction fails within three years of construction.

Patron - Louderback

FHB1596 Medical assistance services; circumcision. Provides that infant circumcision shall be covered under the Commonwealth's Medicaid program only if it is medically necessary.

Patron - Morgan

FHB1645 Definition of hospitals; certain facilities to be regulated as hospitals. Defines "hospital," for the purposes of the Board of Health's regulatory requirements, to include "any clinic or other facility performing 25 or more abortions per year."

Patron - Marshall, R.G.

FHB1973 Health; location and testing of water. Adds Warren County to the list of those localities that may, by local ordinance, adopt standards consistent with the Board of Health for location and testing of water from private wells and that are more stringent than those adopted by the Board for construction and abandonment.

Patron - Athey

FHB2105 Medicaid; buy-in. Requires the Department of Medical Assistance Services to apply for a Section 1115 waiver from the federal Center for Medicare and Medicaid Services to implement a Medicaid buy-in for those working persons with disabilities whose earnings are too high to qualify for traditional Medicaid comprehensive health care services. Eligible individuals would include those who have (i) income not in excess of 175 percent of the federal poverty level, (ii) minimum gross monthly earnings of at least \$400; and (iii) maximum unearned income per month not exceeding 80 per-

cent of the federal poverty level. This bill is a recommendation of the Disability Commission.

Patron - Van Landingham

FHB2256 Health; nursing home standards.

Requires the Board of Health to establish staffing standards for nursing homes that will provide an average of three and one-half hours of direct care services per resident per 24-hour period to be reported quarterly.

Patron - Watts

FHB2312 Health; Virginia Prescription Drug Payment Assistance Plan.

Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, financial oversight, and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of their annual income, as set forth in the appropriation act. They must also be age 65 or older or eligible for Federal Old-Age Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2003, and be ineligible for Medicaid prescription benefits. However, nothing shall prohibit the enrollment of a person in the program during the period in which his Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a copayment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by an increase to 50 cents per pack of cigarettes sold in the state and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and DMAS shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor.

Patron - Plum

FHB2365 Regulation and licensure of abortion clinics.

Requires abortion clinics, defined as any facility other than a hospital in which 25 or more first trimester abortions are performed in any calendar year, to be licensed. Abortion is defined as "an act of using or prescribing RU 486 or its equivalents, or any instrument, machine or device with the intent to terminate a woman's pregnancy for reasons other than to increase the probability of a live birth, to preserve the life or health of a child, after a live birth, to treat an ectopic pregnancy or to remove a dead fetus." The Board is required to regulate minimum standards for abortion clinics including, among other matters, structural requirements, supplies and equipment standards, requirements for abortion personnel, standards for medical screening and evaluation of patients, requirements for abortion procedures, minimum recovery room standards, fol-

low-up visit requirements, and incident reporting. Violations of the provisions on licensure of abortion clinics may result in denial, suspension, or revocation of a license or the civil or criminal penalties already set out in the Board's statutes, including injunction, mandamus, civil penalties and criminal fines, and a Class 1 misdemeanor. Each day of violation will constitute a separate offense for the purposes of civil penalties and criminal fines and various factors concerning the violation must be considered in assessing the penalty. This provision is modeled after Louisiana legislation.

Patron - Marshall, R.G.

FHB2366 Human Embryo Research Act.

Prohibits "destructive research," which is defined as "medical procedures, scientific or laboratory research, or other kinds of investigation that kill or injure the embryo subject of such research." Certain procedures are not included in this definition, i.e., (i) in vitro fertilization and accompanying embryo transfer to a woman's uterus or (ii) any diagnostic procedure that may benefit the human embryo that is the subject of such tests. This bill prohibits (a) intentional or knowing conduct of destructive research on a human embryo; (b) buying, selling, receiving, or otherwise transferring a human embryo with the knowledge that such embryo will be subjected to destructive research; or (c) buying, selling, receiving, or otherwise transferring gametes with the knowledge that human embryos will be produced from such gametes to be used in destructive research. Violations are punishable as Class 1 misdemeanors under the present general penalty statute in Title 32.1.

Patron - Marshall, R.G.

FHB2367 Licensure of abortion clinics.

Requires all abortion clinics, defined as any facility, other than a hospital or an ambulatory surgery center, in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers.

Patron - Marshall, R.G.

FHB2368 Regulation and licensure of abortion clinics.

Requires abortion clinics, defined as any facility other than a hospital or ambulatory surgery center, in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed. Each clinic will be assigned a unique licensure number that must be noted in any advertisement, with a listing in any directory as well as more traditional forms of advertisement, defined as "abortion advertisements." The Board is required to regulate minimum standards to protect the health and safety of patients, including, among other matters, a requirement that only physicians may perform an abortion in an abortion clinic, and standards for personnel, supervision, medical treatment and medical services, coordination of treatment and services, sanitary and hygienic conditions, essential equipment, clinical records, and the management, ownership, and control of the facility. Each abortion clinic is required to annually report to the Board on each abortion performed in the clinic, including the patient's birth date, race, marital status, and state or country of residence, the date on which the abortion was performed, whether the patient survived, and if not, the cause of death; the period of gestation at the time of the procedure; the date, if known, of the patient's last menstrual cycle; the number of previous live births; and the number of previous induced abortions. The Board must also include patient privacy protections in its regulations that comply with state and federal laws and regulations relating to protected health information. The Department of Health is required to maintain a toll-free hot line to provide the public information on abortion clinics. Each clinic must provide the number for the hot line to a patient upon her initial visit and must inform her in writing of the availability of information on abortion

clinics at the number, that her identity will remain anonymous, and the call will verify the licensure status, any citations for violations of state law or regulations or inspection citations. Violations of the provisions on licensure of abortion clinics may result in denial, suspension, or revocation of a license of the civil or criminal penalties already set out in the Board's statutes, including a possible Class 1 misdemeanor. Licensure fees will be used to support the licensure and inspection program. This provision is modeled after Texas law.

Patron - Marshall, R.G.

FHB2369 Regulation and licensure of abortion clinics. Requires abortion clinics, defined as any facility other than a hospital, in which first trimester abortions are performed, to be licensed and to comply with specific requirements that the Board of Health must include in its regulations. The Board's regulations must include standards for the facilities, supplies and equipment, personnel, medical screening and evaluation, medical procedures, recovery rooms, follow-up visits, and incident reporting. The Board must also promulgate regulations to protect the privacy of patients and provide for disclosure of protected health information in compliance with state and federal laws and regulations. The regulations will not limit the ability of a physician or other health professional to advise a patient on any health issue. This provision is modeled after Arizona law.

Patron - Marshall, R.G.

FHB2370 Licensure and regulation of certain facilities. Requires the Board and Department of Health to license as abortion clinics any facility, other than a hospital as defined in the law, in which any second trimester or five or more first trimester abortions per month are performed. Each facility so licensed will be required to comply with requirements relating to facility safety and patient protection, including cleanliness, sterilization, fire protection, evacuation, staff credentials, equipment, maintenance of facilities and equipment, allowable procedures, and facility procedures and policies. This provision is modeled after South Carolina law.

Patron - Marshall, R.G.

FHB2371 Systematic reporting of abortion. Requires physicians performing abortions or treating the complications of induced abortions to report detailed information on forms prepared and distributed by the Board of Health. In addition, the Board must issue a public report annually providing the same detailed information for the most recent year and all previous calendar years, adjusted to reflect any additional information from late or corrected reports. Physicians failing to report in a timely manner will be subject to a late fee of \$500 for each additional 30 days that the forms are overdue and the Board may pursue the penalties or other relief provided in § 32.1-27 in any case in which a physician has failed to file the required forms within one year or has filed incomplete forms.

Patron - Marshall, R.G.

FHB2565 Board of Health; regulations; waterworks. Provides for the regulations of the Board of Health pertaining to waterworks to require new water meters up to two inches installed after January 1, 2005, to conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61, Drinking Water System Components. This ANSI/NSF standard provides for the certification of devices as lead-free.

Patron - Morgan

FHB2569 Health; vital statistics. Requires the Department of Health to utilize one uniform form of birth certificate that has a space for the names of both the father and the mother. If the father is unknown, the space shall be left blank.

Currently, the state uses two birth certificates, one for a birth where the parents are married, and one for births to unmarried persons. The bill also allows a father who voluntarily acknowledges paternity to have his name placed on the birth certificate without the consent of the mother. The bill also provides that a person who voluntarily acknowledges paternity and is paying child support shall have his name on the birth certificate.

Patron - Darner

FHB2592 Health; Virginia Prescription Drug Payment Assistance Plan. Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, financial oversight, and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of their annual income, as set forth in the appropriation act. They must also be age 65 or older or eligible for federal Old-Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2003, and be ineligible for Medicaid prescription benefits. However, nothing shall prohibit the enrollment of a person in the program during the period in which his Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and DMAS shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor.

Patron - Christian

FHB2593 Medical assistance coverage for certain preventive and rehabilitative services. Provides Medicaid coverage for membership in wellness clubs prescribed by a licensed physician as a part of the treatment plan for physically disabled persons, who are Medicaid eligible, to assist such persons in maintaining mobility and health.

Patron - Christian

FHB2595 Medicaid; eligibility for medically indigent children. Provides for 12-month continuous eligibility for children enrolled in the medically indigent category as permitted by Title XIX of the Social Security Act.

Patron - Brink

FHB2597 Medicaid; presumptive eligibility. Provides for presumptive eligibility of children applying in the

medically indigent category for Medicaid and the Family Access to Medical Insurance Security Plan, as permitted by Titles XIX and XXI of the Social Security Act, through qualified entities, including hospitals, health departments and federally qualified health centers.

Patron - Brink

FHB2751 Virginia Medevac Authority. Directs the Board of Health, with input from the State Emergency Services Advisory Board, to organize the Virginia Medevac Authority to ensure that all regions of the Commonwealth have access to medevac services. The Board must hold at least two public hearings and receive input of the Advisory Board before organizing the Authority. The Authority will be governed by a 15-member organization that consists predominantly of participants, i.e., public or private entities currently operating medevac services in Virginia. The Authority is given broad powers, including contracting, hiring, suing and being sued, and charging fees, etc., for its services. The revenues raised by the Authority must be geared to cover the expenses of its operation. The Board of Health is required to promulgate emergency regulations by a second enactment clause.

Patron - Orrock

FHB2776 Health; certificate of public need. Amends Chapter 912 of the 2000 Acts of Assembly that was issued to a continuing care provider that operates a facility operated for the care of retired military personnel and their families. The bill allows the facility to extend nursing or extended care services to persons other than contract holders until the continuing care contract holders constitute 85 percent of the occupancy or until July 1, 2008, whichever comes first, to comply with changes in the facility's bond and to utilize those beds until contract holders need them.

Patron - Black

FHB2784 Wastewater and drinking water programs. Transfers the Sewage Disposal program, the State Health Department Sewage Handling and Disposal Appeal Review Board, the Public Water Supplies program, the Private Well Construction program, and the gray water program from the Department of Health to the Department of Environmental Quality.

Patron - Griffith

FHB2819 Diabetes on death certificates. Requires death certificates for any person who dies in the Commonwealth to indicate whether diabetes was the immediate or underlying cause of death. Diabetes mellitus, a group of diseases characterized by high levels of blood glucose resulting from defects in insulin production, insulin action, or both, is associated with serious complications and premature death. With proper medical care, the disease can be controlled, and associated complications and other adverse health consequences can be lowered. The inclusion of this information on the death certificate will allow the State Health Department to better understand and more accurately report the prevalence of diabetes and its impact on diverse populations in the Commonwealth, and to effectively and efficiently target health interventions to high risk populations.

Patron - Christian

FHJ611 Contraceptives. Urges hospitals, health care facilities, health care providers, pharmacists, and pharmacies in the Commonwealth to provide patients and the public with complete, accurate, and objective information about the full range of contraceptives, including emergency contraception, to enable women to make responsible and informed health care decisions.

Patron - Baskerville

FSB731 Medical Assistance Services. Provides an exception to the Medicaid prospective payment system for rural nursing facilities experiencing increased direct care costs because of staffing shortages. This bill allows a mid-cost report period increase in the direct care component of the rural nursing facility's prospective payment rate that may exceed the reimbursement limits or ceilings or both for the nursing facility under the prospective payment system. The mid-cost report period increase will be triggered by costs resulting from local staffing shortages, i.e., contract direct care staff have been hired at higher salary rates than regularly employed staff. The rural nursing facility will have the right to submit adjustments to its previous cost report immediately upon incurring these additional staffing costs and the adjusted prospective payment rate will begin on the date of submission of the adjusted cost report.

Patron - Reynolds

FSB757 Registered nurses performing infusion services; medical assistance services. Requires the Board of Medical Assistance Services to provide for reimbursement for infusion care rendered by registered nurses to patients in long-term care facilities, hospitals or home- and community-based care, including, but not limited to, peripheral IV catheters, Advanced Vascular Access Devices, such as Hickman, Mediport, Peripherally Inserted Central Catheters, and midlines, and IV access care and maintenance of peripheral and central catheters, when such registered nurses have met the requirements of the Board of Nursing for experience and training in such care. This bill provides an exception to the medical practice act for such registered nurses and requires the Board of Nursing to develop, in coordination with the Board of Medicine, guidelines for experiential and training requirements for registered nurses to render infusion care.

Patron - Miller, Y.B.

FSB758 Medical efficacy of health care services. Removes the determination of the medical efficacy of health care services.

Patron - Miller, Y.B.

FSB772 Definition of hospitals; certain facilities to be regulated as hospitals. Defines "hospital," for the purposes of the Board of Health's regulatory requirements, to include "any clinic or other facility performing 25 or more abortions per year."

Patron - Cuccinelli

FSB785 Health; Virginia Prescription Drug Payment Assistance Plan. Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, financial oversight, and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of their annual income, as set forth in the appropriation act. They must also be age 65 or older or eligible for federal Old-Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2003, and be ineligible for Medicaid prescription benefits. However, nothing shall prohibit the enrollment of a person in the program during the

period in which his Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and DMAS shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor.

Patron - Deeds

FSB868 Medicaid; buy-in. Requires the Department of Medical Assistance Services to apply for a Section 1115 waiver from the federal Center for Medicare and Medicaid Services to implement a Medicaid buy-in for those working persons with disabilities whose earnings are too high to qualify for traditional Medicaid comprehensive health care services. Eligible individuals would include those who have (i) income not in excess of 175 percent of the federal poverty level; (ii) minimum gross monthly earnings of at least \$400; and (iii) maximum unearned income per month not exceeding 80 percent of the federal poverty level. This bill is a recommendation of the Disability Commission.

Patron - Puller

FSB899 Medical assistance services; circumcision. Provides that infant circumcision shall be covered under the Commonwealth's Medicaid program only if it is medically necessary.

Patron - Quayle

FSB921 Requirements for nursing home licensure; Medicaid reimbursement. Establishes, as a condition of licensure, staffing standards for all nursing homes as follows: (i) each nursing home must have a full-time director of nursing who must be a professional registered nurse; (ii) each nursing home must have designated nursing supervisors on duty at all times who must be professional registered nurses; (iii) each nursing home with 100 beds or more must employ a full-time assistant director of nursing who must be a professional registered nurse; (iv) each nursing home with fewer than 100 beds must employ a part-time professional registered nurse as assistant director of nursing; (v) each nursing home with 100 beds or more must employ a full-time director of in-service education; and (vi) each nursing home with fewer than 100 beds must employ a part-time director of in-service education. In addition, each nursing home must maintain a minimum staffing ratio of registered nurses or licensed practical nurses to residents of at least one to 15 during the day shift, at least one to 20 during the evening shift, and at least one to 30 during the night shift. A nursing home must maintain a minimum staffing ratio of certified nurse aides to residents of at least one to five during the day shift, at least one to five during the evening shift, and at least one to 10 during the night shift. Further, in order to meet the individual needs of residents with extensive nursing care requirements or higher acuity levels, each nursing home must decrease the established caregiver to resident ratios. On a form

provided by the Board, each nursing home must post, in a manner easily visible and readily accessible to residents, families, caregivers, and others on each wing and floor of its facility, the actual staffing ratios, according to the most recently completed cost reporting period, grouped by categories of employees and shifts and a list, in at least 48-point type, of the names of the nursing staff on duty at the beginning of each shift on each such wing or floor. This information must be expressed in actual numbers and as staffing ratios, and must include the actual numbers of additional staff employed to meet the additional needs of residents with extensive nursing care requirements or higher acuity levels. The Commissioner of Health is required to ensure that the nursing home staffing requirements are enforced and, in the case of any violations, the Commissioner may evoke various penalties and remedies and must report compliance and survey citations to the Department of Medical Assistance Services. The Board of Medical Assistance Services must develop a state plan provision for increasing payment for medical assistance services when such facilities are found in compliance with the staffing ratios set forth in subdivision B 12 of § 32.1-127 and for reducing payment of medical assistance for long-term care facilities when such facilities receive citations for violations of the staffing ratios set forth in subdivision B 12 of § 32.1-127. Such provision must provide for 20 percent increases in reimbursement for complying facilities and 20 percent reductions in such reimbursement for facilities receiving survey citations for noncompliance with such staffing ratios. Reimbursement to complying facilities shall be increased by 20 percent for so long as the relevant facility remains in compliance with the staffing ratios. Reimbursement to any facility receiving a citation for staffing ratio violations shall be reduced by 20 percent until the next succeeding survey finds the facility in compliance with the staffing ratio requirements.

Patron - Byrne

FSB922 Electronic monitoring in nursing homes to detect abuse and neglect of the elderly and disabled residents. Requires the Board of Health to include, in its regulations to license nursing homes, provisions to authorize the use of electronic monitoring devices in the room of a resident of a nursing home or certified nursing facility for the purpose of detecting abuse or neglect of elderly or disabled persons that take into consideration Virginia law relating to nonconsensual interception of wire or electronic communications, privacy rights, notice requirements, covert and noncovert placements of such devices, and potential violations of existing civil and criminal law. Such regulations must include, but need not be limited to, (i) a description of appropriate electronic monitoring devices that may be used; (ii) a consent form recognizing the sole right of a resident who is capable of making an informed decision to make such request and, in the case of a resident who is not capable of making an informed decision, the resident's legally authorized representative; (iii) a form releasing the nursing home or nursing facility from civil liability for violation of the privacy rights of the resident who is the subject of the request as well as any other residents in the same room; (iv) a form to provide other residents in the same room the opportunity to consent to such electronic monitoring devices or to be provided privacy protections from the electronic monitoring devices or to be moved to another room, in so far as possible; (v) a procedure to cease any electronic monitoring upon another resident being moved into the room with the subject resident; (vi) the size and location outside the subject resident's room of conspicuous signs to notify the staff, other residents, and the public of the presence of electronic monitoring devices; (vii) timelines for all procedures that include adequate notice of the commencing of electronic monitoring to the subject resident, all residents, the public and the staff; (viii) the responsibility for reporting abuse and neglect

detected via electronic monitoring to adult protective services; (ix) instructions to protect the safety of all residents, staff and the public in the placement, size, and stability of the electronic monitoring devices; (x) protections for the privacy of residents who do not wish to be the subjects of or who object to electronic monitoring; and (xi) penalties for nursing home or certified nursing facility failure to comply with the electronic monitoring requirements. Amendments are provided to the law on Rights and Responsibilities of Patients in Nursing Homes to ensure that residents are notified of the right to request electronic monitoring and to prohibit the transfer or discharge of a patient who requests or indicates that he will request electronic monitoring. A second enactment clause requires the Office of the Attorney General to advise and assist the Board of Health in the development and implementation of the regulations relating to the use of electronic monitoring devices in nursing homes and certified nursing facilities for the purpose of detecting abuse and neglect of the elderly or disabled residents.

Patron - Byrne

FSB926 State plan for medical assistance services; administrative hold days of nursing facility beds during inpatient hospitalization of recipient. Requires the Board of Medical Assistance Services to include, in the state plan that is submitted to the United States Secretary of Health and Human Services, a provision for payment of medical assistance for reserving beds for up to 12 administrative hold days per year in long-term care facilities for recipients during inpatient hospital admissions at reduced rates when such provision is in compliance with federal law and regulation and approved by the Centers for Medicare and Medicaid Services and agreed to by the participating provider; such provision shall be in addition to and not in lieu of the present regulatory provision for reserving beds in long-term care facilities for recipients during their temporary absences for up to 18 days per year for any reason other than inpatient hospital admissions.

Patron - Byrne

FSB1106 Sale of liquid mercury fever thermometers prohibited. Requires a ban on the sale of liquid mercury fever thermometers in Virginia. Any person violating the prohibition against the sale of liquid mercury fever thermometers will be subject to the general penalties for violations of Title 32.1 statutes and Board of Health regulations, for example, Class 1 misdemeanor and fines of up to \$10,000 per violation. A second enactment clause requires the Department of Health, in cooperation with the Department of Environmental Quality, to provide information on the proper disposal of liquid mercury fever thermometers to local governments and other landfill operators for the purpose of informing the public about the proper disposal of liquid mercury fever thermometers.

Patron - Whipple

FSB1216 Medical assistance services; consumer-directed care. Requires the Department of Medical Assistance Services to prepare and submit to the Centers for Medicare and Medicaid Services, as soon as such waiver template shall become available, an application for a new waiver for home- and community-based services that is cost effective and expands consumer-directed care to the maximum extent allowable under federal law and regulation while protecting the health and safety of recipients. Such waiver shall provide for a fiscal agent to handle tax issues and payment of personal attendants on the part of recipients. The waiver application shall provide recipients with flexible choices and personal independence in so far as possible and shall include provisions for family members to deliver the covered services when consistent with and not prohibited by federal law and regulation. This bill is incorporated into SB 1008.

Patron - Newman

FSB1303 Diseases to be reported to the Board of Health; sepsis and septicemia-related diseases. Requires the Board of Health to include in its list of reportable diseases, sepsis and septicemia-related diseases. In recent years, the incidence of sepsis appears to have increased; however, reliable statistics on this disease may not be readily available. Sepsis is a pathologic condition that results from the presence of microorganisms or their byproducts in the bloodstream. Severe sepsis is commonly known to the layperson as "blood poisoning" and to medical personnel as bacteriemia and septicemia and related diseases, including multiple organ dysfunction syndrome. Physicians and laboratories are required to report the Board's listed diseases. This system of disease reporting is well developed and of long standing in Virginia. Various technical amendments are made to several related statutes to ensure the reporting of the frequently severe illnesses caused by sepsis and septicemia-related diseases and to provide immunity from liability for the reporting of sepsis and septicemia-related diseases and from liability for failure to identify these illnesses when exercising judgement consistent with the competence of a reasonable person practicing the same profession.

Patron - Miller, Y.B.

FSB1331 Certificate of Public Need. Authorizes the application for and the issuance of a certificate of public need for the conversion of 34 assisted living facility beds to nursing facility or extended care services beds in an existing facility when (i) the application is filed by an existing 134-bed nursing facility located in Orange County within Planning District 9; (ii) the 34 assisted living beds in the existing facility were built to nursing home standards; (iii) the existing facility is operated by a health center commission; and (iv) the existing facility has plans to build a new, more home-like, assisted living facility on adjacent property to replace the current medical model assisted living facility beds.

Patron - Houck

FSJ307 Hospital-acquired infections. Recognizes the need to ensure the continued quality of the Commonwealth's hospital care and prevent needless hospital-acquired infections among patients. This resolution notes that hospitals are an essential component of health care, providing life-saving inpatient care and important testing and imaging for outpatient care. Further, warm hospital environments, with sick people, contaminated biological materials, and the constant going and coming of the public, encourage the growth of germs. The rates of hospital-acquired infections, commonly referred to as nosocomial infections, have reportedly increased significantly in recent years. The reasons for this increase are many, including the development of antibiotic-resistant bacteria, the nursing shortage and its attendant increased workloads and delegation, budget cuts that postpone needed building maintenance relating to air and water quality, and the failure of many doctors and nurses to scrupulously wash their hands, to only wear scrubs in the hospital, and to always wear clean scrubs. The Clerk of the Senate is directed to forward a copy of this resolution to the Joint Commission on Health Care for consideration during its deliberations.

Patron - Deeds

Highways, Bridges and Ferries

Passed

PHB1381 World War II Veterans Memorial Highway; World War II Veterans Memorial Bridge; Judith

Stewart Dresser Memorial Bridge. Designates Virginia Route 288 the "World War II Veterans Memorial Highway," designates the Virginia Route 288 bridge across the James River the "World War II Veterans Memorial Bridge," and designates the Virginia Route 5 bridge across the Chickahominy River the "Judith Stewart Dresser Memorial Bridge."

Patron - Janis

PHB1447 Secondary highway system construction allocations. Allows counties to use secondary highway system construction allocations for primary highway system construction projects.

Patron - Pollard

PHB1487 Arterial network of highways. Eliminates references in the Code to the arterial network of highways and repeals the Acts of Assembly that designate certain highways as part of the arterial network. The bill provides that its provisions are not to be deemed to alter state funding of maintenance, maintenance replacement, construction, or reconstruction of former arterial network projects within the boundaries of any city.

Patron - Rollison

PHB1488 Use of federal revenue-sharing funds by localities for certain highway-related purposes. Removes references to use of federal revenue-sharing by localities for highway-related purposes. The program under which federal revenue-sharing funds were available to localities has long since been terminated.

Patron - Rollison

PHB1857 Removal of illegal signs from highway rights-of-way. Provides greater flexibility in the provisions of agreements between Fairfax County and the Commonwealth Transportation Commissioner for the removal of illegal signs from highway rights-of-way.

Patron - Scott

PHB1884 Rural Rustic Road Program. Encourages use of the Rural Rustic Road Program by counties to pave qualifying road segments.

Patron - May

PHB1946 Commonwealth Transportation Commissioner condemnations; delays in filing proceedings. Requires the Commonwealth Transportation Commissioner, unless an agreement with the property owner as to compensation for the taking of or damage to property has been reached, to file a condemnation proceeding within 30 days after recording a certificate with respect to the property. If the Commissioner fails to institute a proceeding within this 30-day period, the owner may file a proceeding in circuit court.

Patron - Drake

PHB1949 Commonwealth Transportation Commissioner condemnations; evidence of value. Prohibits the Commonwealth Transportation Commissioner, in a condemnation proceeding, from offering evidence of the value of the property taken or damaged that is less than the amount that was either previously deposited with the court or represented by a certificate of deposit filed with the court with respect to that property.

Patron - Drake

PHB1950 Commonwealth Transportation Commissioner condemnations; rate of interest. Provides that interest on certain obligations of the Commonwealth Transportation Commissioner to owners of property acquired through condemnation proceedings will accrue at the rate of interest

established pursuant to § 6621 (a) (2) of the Internal Revenue Code. Currently, interest accrues at the general account composite rate as compiled by the Department of the Treasury.

Patron - Drake

PHB2066 Interstate Route 73. Reenacts 2002 legislation establishing a pilot program to provide for early acquisition of certain property in connection with the construction of Interstate Route 73 in Virginia. The "reenactment clause" in last year's legislation is stricken in this bill.

Patron - Dudley

PHB2152 Advertising on transit passenger shelters. Allows placement of advertising on certain transit passenger shelters.

Patron - Rust

PHB2259 Commonwealth Transportation Board (CTB). Imposes a statutory requirement (i) for a financial plan with minimum specified content for projects valued at more than \$100 million; (ii) for a periodic report with specific information for every project in the Six-year Improvement Plan; (iii) for the CTB to offer technical assistance and coordination work with local governments in developing sound transportation planning components to their local comprehensive plans; and (iv) that the CTB adopt the Six-year Improvement Plan by July 1 of each year. The bill also specifies the parameters and criteria that must be used to adopt a new Six-year Improvement Plan. This bill is the same as SB 869 except that the sentence, "Project specific information posted on the Internet shall be updated as information is available" does not appear at the end of subdivision (6) of § 33.1-12 in SB 869.

Patron - Rollison

PHB2316 High-occupancy vehicle (HOV) lanes. Extends the "sunset" on use of HOV lanes by vehicles bearing clean fuel vehicle license plates, regardless of the number of their occupants, (from July 1, 2004, to July 1, 2006). This bill incorporates HB 2383. The provisions of the bill "sunset" if found to contravene federal laws.

Patron - Plum

PHB2361 Madison E. Marye Highway. Designates a portion of U.S. Route 460 in Montgomery County the "Madison E. Marye Highway." This bill is the same as SB 930.

Patron - Shuler

PHB2543 U.S. Route 460 improvements. Requires the Department of Transportation, within 90 days of the receipt of federal approval of the relevant Draft Environmental Impact Statement, to solicit proposals for improvements to U.S. Route 460 between Hampton Roads and the Richmond-Petersburg metropolitan area (and related projects) under the Public-Private Transportation Act of 1995.

Patron - McDonnell

PHJ594 Roundabouts. Encourages the Department of Transportation to build more roundabouts instead of signalized intersections.

Patron - Van Yahres

PHJ607 Resolution; upgrade the Route 58 corridor. Requests the Secretary of Transportation and the Commonwealth Transportation Board to use every available means to quickly complete the upgrade of the entire Route 58 corridor.

Patron - Carrico

PSB713 Condemnation; interest. Provides for calculating interest in highway-related condemnation cases using the IRS's underpayment rate (§ 6621 (a)(2) of the Internal Rev-

enue Code) instead of the general account's composite rate. This bill contains an emergency clause, and its provisions are retroactive to condemnation awards rendered or certificates of deposit recorded on or after October 1, 2002.

Patron - Colgan

PSB747 Old Colchester Road. Designates Old Colchester Road in Fairfax County between U.S. Route 1 and the old town of Colchester on the Occoquan River a Virginia byway.

Patron - Puller

PSB837 Family restrooms. Requires the Virginia Department of Transportation to construct family restrooms at rest stops along interstate highways. The bill applies only to rest stops constructed on or after July 1, 2003.

Patron - Howell

PSB852 Urban highway system. Allows the governing body of any city or town to expend urban system construction funds for the design, land acquisition, and construction of transportation projects that have been included in the Commonwealth Transportation Board's Six-year Improvement Program.

Patron - Miller, Y.B.

PSB869 Commonwealth Transportation Board (CTB). Imposes a statutory requirement (i) for a financial plan with minimum specified content for projects valued at more than \$100 million; (ii) for a periodic report with specific information for every project in the Six-year Improvement Plan; (iii) for the CTB to offer technical assistance and coordination work with local governments in developing sound transportation planning components to their local comprehensive plans; and (iv) that the CTB adopt the Six-year Improvement Plan by July 1 of each year. The bill also specifies the parameters and criteria that must be used to adopt a new Six-year Improvement Plan. This bill is the same as HB 2259 except that the sentence, "Project specific information posted on the Internet shall be updated as information is available" does not appear at the end of subdivision (6) of § 33.1-12 in this bill.

Patron - Williams

PSB930 Madison E. Marye Highway. Designates a portion of U.S. Route 460 in Montgomery County the "Madison E. Marye Highway." This bill is identical to HB 2361.

Patron - Edwards

PSB974 Removal of outdoor advertising. Provides that no billboard sign subject to Chapter 7 of Title 33.1 (Outdoor Advertising in Sight of Public Highways) may be removed by action of a county, city, or town without the payment of just compensation unless the billboard sign cannot remain on the property due to the site constraints of the property and removal of the billboard sign is therefore necessary for development on the property.

Patron - Trumbo

PSB977 Commonwealth Transportation Board (CTB), etc. Allows the CTB to let all contracts for the construction, maintenance, and improvement of the roads comprising systems of state highways and for all activities related to passenger and freight rail and public transportation improvements in excess of two million dollars. The bill also allows the Commonwealth Transportation Commissioner to let contracts for construction, maintenance, and improvements up to two million dollars and allows the Director of the Department of Rail and Public Transportation to let contracts for passenger and freight rail and public transportation improvements up to two million dollars. Similarly, it allows the Commonwealth

Transportation Commissioner to enter into agreements with localities, authorities, and transportation districts to let contracts up to two million dollars for highway construction, maintenance, and improvements within their jurisdictions and allows the Director of the Department of Rail and Public Transportation to enter into agreements with localities, authorities, and transportation districts to let contracts up to two million dollars for passenger and freight rail and public transportation improvements within their jurisdictions. The Commonwealth Transportation Commissioner and the Director of the Department of Rail and Public Transportation are required to report on their respective transportation contracting activities at least quarterly to the Board.

Patron - Trumbo

PSB1004 Darrell Green Boulevard. Designates the portion of Virginia Route 28 located within Loudoun County as the "Darrell Green Boulevard."

Patron - Mims

PSB1093 Highway safety corridors. Provides for the designation of primary and interstate highways as highway safety corridors. The minimum penalty for motor vehicle moving violations committed in these corridors would be not less than \$200.

Patron - Edwards

PSB1177 D. Woodrow Bird Memorial Highway. Designates I-77 in Bland County the "D. Woodrow Bird Memorial Highway."

Patron - Puckett

PSB1222 Urban highway system construction funds. Provides that payment of urban highway system construction funds may be made in equal quarterly amounts, at the discretion of the city or town receiving them, and shall be reduced, in the case of each city and town, by the amount of federal-aid construction funds credited to each city or town.

Patron - Williams

PSB1279 Rail Transportation Development Authority. Establishes a rail transportation authority to finance or assist in the financing of capital improvements to rail lines and associated facilities. This bill becomes effective only if reenacted by the 2004 Session of the General Assembly.

Patron - Edwards

PSJ394 Charlottesville bypass. Encourages the Department of Transportation to review all options available, including the completion of the U.S. Route 29 bypass, to improve transportation along the U.S. Route 29 corridor to facilitate the flow of traffic to and from the northern and central regions to southern communities.

Patron - Hawkins

Failed

FHB1394 Secondary system highway construction fund allocations. Allows inclusion of space occupied by military reservations when calculating the "area" of counties for the purpose of allocating secondary system highway construction funds.

Patron - Lingamfelter

FHB1396 Governor Harry W. Nice Memorial Bridge. Requires the Department of Transportation to contact its Maryland counterpart to initiate discussions for the construction of a second span parallel to the existing Governor Harry W. Nice Memorial Bridge, conveying U.S. Route 301

across the Potomac River between Maryland and Virginia. A report on these discussions is to be submitted to the General Assembly by December 1, 2003.

Patron - Lingamfelter

FHB1409 Commonwealth Transportation Board (CTB). Provides for election of citizen members of the CTB by the General Assembly, one from each Congressional district. There would no longer be any at-large members. The bill does not apply to CTB members appointed prior to July 1, 2003.

Patron - Black

FHB1418 Impact statements; legislation requiring or authorizing highway construction. Requires VDOT to prepare an impact statement including the cost, source of funding, and present and anticipated level of service for legislation requiring or authorizing construction, reconstruction, or improvement of specifically identified highways or highway projects. Cost, funding, and level of service data would be printed on the legislation, but not codified.

Patron - Black

FHB1484 Commonwealth Transportation Commissioner. Requires the Commonwealth Transportation Commissioner to employ an inspector general.

Patron - Rust

FHB1485 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, 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

FHB1486 Virginia Highway Bridge Fund. Establishes the Virginia Highway Bridge Fund, consisting of all federal highway bridge replacement and rehabilitation funds received by Virginia. The Fund is to be used for construction, reconstruction, and replacement of highway bridges in the Commonwealth as allocated by the Commonwealth Transportation Board to individual projects on the basis of the severity of each bridge's deficiency. The bill requires a 20-percent match to be provided from the allocation to the highway system on which the bridge is located.

Patron - Rollison

FHB1550 Department of Rail and Public Transportation (DRPT); Commonwealth Transportation Board (CTB). Provides for the evaluation by DRPT of all rail mass transit projects proposed to be undertaken in any air quality nonattainment area in the Commonwealth and recommendations as to such projects by DRPT to CTB. The bill also authorizes DRPT to act as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of any such project under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.). Notwithstanding the contrary provisions of the Public-Private Transportation Act of 1995, the provisions of the Public Procurement Act (specifically § 2.2-4342) would apply, once a contract has been awarded, to procurement documents and procurement transactions related to any contract entered into for any project covered by this bill.

Patron - Marshall, R.G.

FHB1595 Transportation Trust Fund. Requires the Commonwealth Transportation Board, prior to the distribution of funds for general highway construction, to distribute from the Transportation Trust Fund: (i) \$50 million for transporta-

tion projects in Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park; (ii) \$50 million for transportation projects in Isle of Wight County, James City County, York County, the City of Chesapeake, the City of Hampton, the City of Newport News, the City of Norfolk, the City of Poquoson, the City of Portsmouth, the City of Suffolk, the City of Virginia Beach, and the City of Williamsburg; and (iii) \$20 million for transportation projects in Augusta County, Botetourt County, Frederick County, Montgomery County, Pulaski County, Roanoke County, Rockbridge County, Rockingham County, Shenandoah County, Smyth County, Warren County, Washington County, Wythe County, the City of Bristol, the City of Harrisonburg, the City of Radford, the City of Salem, the City of Staunton, and the City of Winchester. The bill expires on July 1, 2005.

Patron - Marshall, R.G.

FHB1640 Department of Transportation; Commonwealth Transportation Board; certification of certain highway construction projects. Requires the Department of Transportation to certify to the Commonwealth Transportation Board those highway construction projects in the interstate highway system or primary highway system which, in the Department's judgment, are appropriate for construction under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.). Such certification is to include proposals for the relative shares of each project's cost to be borne by the Commonwealth, by one or more localities, and the private sector. Notwithstanding the contrary provisions of § 56-573.1, the provisions of § 2.2-4342 (public inspection of records) will apply, once a contract has been awarded for any project under this bill, to procurement documents and procurement transactions related to any such contract.

Patron - Marshall, R.G.

FHB1662 "No trucks" route. Prohibits operation of any tractor truck/semitrailer combination on Virginia Route 206 in King George County between U.S. Route 301 and Virginia Route 3, except for local deliveries, pickups, or transactions to be made within five miles. This bill is incorporated into HB 1457.

Patron - Pollard

FHB1666 Subdivision streets. Repeals the requirement that subdivision streets serve "at least three families per mile" in order to be eligible to be taken into the state secondary highway system for maintenance purposes under § 33.1-72.1.

Patron - Oder

FHB1667 Statewide Transportation Plan; financial plan for each project. Requires the Department of Transportation to prepare a detailed financial plan for each project in the Statewide Transportation Plan, prior to any project's moving forward to the construction phase from the feasibility phase. This bill is incorporated into HB 2259.

Patron - Oder

FHB1668 Statewide Transportation Plan. Requires the Commonwealth Transportation Commissioner annually to report to the House and Senate Transportation and Finance Committees on the progress, successes, and failures of the plan and the status of all projects in the plan, including those projects whose construction has not yet begun. This bill is incorporated into HB 2259.

Patron - Oder

FHB1813 Signs warning motorcyclists of hazards in highway work zones. Requires that signs warning motorcy-

clists of possible hazards (including, but not limited to, steel plates, longitudinal grooves, loose gravel, or uneven lanes) be posted at least 500 feet in advance of every highway work zone.

Patron - Welch

FHB1991 Chesapeake Bay Bridge and Tunnel Commission. Repeals the portion of the Chesapeake Bay Bridge and Tunnel Commission's "charter" that calls for transfer of the Bridge-Tunnel to the Commonwealth upon the retirement of all the Commission's bonded debt.

Patron - Bloxom

FHB2036 Department of Rail and Public Transportation (DRPT); Commonwealth Transportation Board (CTB). Provides for the evaluation by DRPT of all rail mass transit projects proposed to be undertaken in any air quality nonattainment area in the Commonwealth and recommendations as to such projects by DRPT to CTB. The bill also authorizes DRPT to act as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of any such project under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.). Costs of construction of any such project are to be funded no more than 15 percent by the Commonwealth and no more than 10 percent by the locality or localities within whose boundaries the project is to be constructed or operated. Fares and minimum service levels of all such projects are to be subject to approval by CTB. Notwithstanding the contrary provisions of the Public-Private Transportation Act of 1995, the provisions of the Public Procurement Act (specifically § 2.2-4342) would apply, once a contract has been awarded, to procurement documents and procurement transactions related to any contract entered into for any project covered by this bill.

Patron - Marshall, R.G.

FHB2094 Commonwealth Transportation Commissioner condemnation; recovery of costs. Entitles a property owner to recover his costs, including reasonable attorney, appraisal, engineering, and similar expert's fees, incurred as a result of the reformation, alteration, revision, amendment or invalidation of a certificate.

Patron - Joannou

FHB2144 Primary system highway construction allocation. Provides that funds for construction projects in the primary highway system will be distributed among the nine highway construction districts on the basis of vehicle-miles traveled per lane-mile.

Patron - Rust

FHB2147 Unpaved road fund. Allows use of funds set aside in the unpaved road fund for paving unpaved secondary roads or carrying out other secondary system highway construction projects. These funds would be distributed among counties in the secondary system in the same manner as other secondary system construction funds.

Patron - Rust

FHB2185 Interstate Route 81 improvement under Public-Private Transportation Act of 1995. Requires that, if the project involves imposition of tolls, all classes of vehicles must be subject to the tolls.

Patron - Saxman

FHB2202 Virginia Highway Bridge Fund. Establishes the Virginia Highway Bridge Fund, consisting of all federal highway bridge replacement and rehabilitation funds received by Virginia. The Fund is to be used for construction, reconstruction, and replacement of highway bridges in the

Commonwealth as allocated by the Commonwealth Transportation Board to individual projects on the basis of the severity of each bridge's deficiency. The bill requires a 20-percent match to be provided from the allocation to the highway system on which the bridge is located.

Patron - Jones, S.C.

FHB2249 Primary highway system construction funds allocation. Provides for apportionment of primary highway system construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary system components divided by lane-miles of primary system components in each district.

Patron - Watts

FHB2357 Roger E. Hedgepeth Bridge. Designates the U.S. Business Route 460 bridge on Main Street at the southern boundary of the Town of Blacksburg the "Roger E. Hedgepeth Bridge."

Patron - Shuler

FHB2377 George Fortune, Jr., Memorial Bridges. Designates the Interstate Route 66 bridges over U.S. Route 29 in Fairfax County the "George Fortune, Jr., Memorial Bridges."

Patron - Moran

FHB2383 High-occupancy vehicle (HOV) lanes. Repeals the July 1, 2004, "sunset" on use of HOV facilities by vehicles bearing clean special fuel vehicle license plates, regardless of the number of vehicle occupants. This bill is incorporated into HB 2316.

Patron - Moran

FHB2385 High-occupancy vehicle (HOV) lanes. Allows use of HOV lanes by personal vehicles being operated by law-enforcement officers, regardless of the number of vehicle occupants.

Patron - Moran

FHB2560 Allocation of highway construction funds. Provides for allocation of highway construction funds in the primary, urban, and secondary highway systems on the basis of the number of registered vehicles.

Patron - Scott

FHB2650 State highway systems. Replaces the primary, secondary, and urban systems of state highways with statewide, regional, and local state highway systems. Funds for projects in the statewide system would be allocated by the Commonwealth Transportation Board (CTB) at the project level, based on system priorities. Funds for regional system projects would be allocated on the basis of each region's share of Virginia-registered vehicles. These funds, too, would be allocated by the CTB (in coordination with metropolitan planning organizations and other regional entities) at the project level, based on system priorities. Funds for the local system would be distributed on the basis of centerline miles (weighted 86 percent) and vehicle registrations (weighted 14 percent). For local system projects in municipalities with 5,000 or more inhabitants, the CTB may contribute 98 percent of funds necessary for the project (including the federal portion) if the municipality contributes the rest.

Patron - Marshall, R.G.

FHB2673 Highway construction districts; membership of the Commonwealth Transportation Board. Abolishes the present nine highway construction districts and replaces them with seven regions. The size of the Commonwealth Transportation Board is correspondingly reduced from 17 to 15 members, with three at-large members elected by the

House of Delegates and two at-large members elected by the Senate. There are also editorial and technical changes resulting from the change of "highway construction districts" to "regions."

Patron - Lingamfelter

FHB2697 Roadside memorials. Provides for the installation and maintenance along interstate highways of roadside memorials to State Police officers killed in the line of duty.

Patron - Nutter

FHB2709 Commonwealth Transportation Board (CTB); "no-trucks route" requests. Requires the CTB to act within 90 days on written requests from county boards of supervisors for "no-trucks route" requests for secondary highways. This bill is incorporated into HB 1457.

Patron - Hugo

FHB2718 Allocation of highway construction funds. Provides that all allocations of primary, secondary, and urban highway system construction funds will be adjusted to reflect construction cost differentials based on topography, elevation, and soil conditions.

Patron - Nutter

FHB2750 Commonwealth Private Investment Inducement Act of 2003. Dedicates one-third of the annual insurance license tax revenue to transportation projects in highway construction districts based on the percentage of the population of the Commonwealth residing in each such district. The portion of such revenues that otherwise would be distributed to: (i) the Northern Virginia Construction District is instead deposited into the Northern Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects; (ii) the Hampton Roads Construction District is instead deposited into the Hampton Roads Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area; and (iii) the Bristol, Salem, and Staunton Construction District is instead deposited into the Western Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area. The amount of such bond proceeds utilized must be matched by equal or greater funds from private entities, localities, or both, unless certain conditions exist.

Patron - Rollison

FHJ756 Preservation of Virginia Route 5. Supports the preservation of Virginia Route 5 as a scenic and historic resource of the greatest importance for the understanding of the Commonwealth's history and for its tourist industry.

Patron - Ingram

FSB730 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 three million dollars 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

FSB778 Maintenance and operation of drawbridges in Chesapeake. Requires the Department of Transportation to reimburse the City of Chesapeake for its actual costs incurred in the maintenance and operation of drawbridges within its boundaries.

Patron - Blevins

FSB1024 "Smart Road" fund. Establishes a special fund "off the top" of funds available for highway construction to cover the costs of construction, reconstruction, and improvements to the "Smart Road" at the Virginia Tech Transportation Institute.

Patron - Reynolds

FSB1108 Allocation of federal highway safety funds. Requires that prior to being allocated for any other purpose, 10 percent of all federal surface transportation program safety funds must be allocated statewide to fund bicycle and pedestrian safety improvements, including but not limited to the Safe Routes to School Program.

Patron - Whipple

FSB1115 Commonwealth Mass Transit Fund. Increases the percentage share of monies deposited into the Commonwealth Mass Transit Fund from 14.7 percent to 19 percent.

Patron - Whipple

FSB1179 Route 661 bridge at Atrip. Requires the owner of the Virginia Route 661 bridge over the Norfolk Southern Railroad, Structure No. 6081, located at Atrip in Russell County to repair and maintain it so as to allow the structure to be posted by the Department of Transportation for a five-ton weight limit.

Patron - Puckett

FSB1270 Allocation of proceeds of Transportation Trust Fund. Provides that, except as otherwise provided in the Virginia Constitution or federal law, after allocations to the Commonwealth Port Fund, Commonwealth Airport Fund and Commonwealth Mass Transit Fund, all remaining proceeds of the Transportation Trust Fund be distributed for highway construction. The Toll Facilities Revolving Account, the Unpaved Secondary Road Fund, the Industrial and Airport Access fund, the Industrial Rail Access Fund, the Recreational Access Roads and Bikeways Fund, the Northern Virginia Transportation District Program and the Interstate Route 66 Economic Development Program Fund are repealed.

Patron - O'Brien

FSB1271 Secondary highway system construction funds. Allocates secondary highway system construction funds among counties on the basis of the number of vehicles registered in each county.

Patron - O'Brien

FSB1342 Commonwealth Private Investment Inducement Act of 2003. Dedicates the insurance license tax fee to transportation projects in all localities according to the percentage of such revenues attributable to subscribers who reside in each locality. A portion of these proceeds will finance the issuance of bonds that the bill authorizes for transportation projects in 3 regions of the Commonwealth. These 3 regions are the regions encompassed by (i) Arlington County, Fairfax County, Loudoun County, Prince William County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park; (ii) Isle of Wight County, James City County, York County, the City of Chesapeake, the City of Hampton, the City of Newport News, the City of Norfolk, the City of Poquoson, the City of Portsmouth, the City of Suffolk, the City of Virginia Beach, and the City of Williamsburg; (iii) Augusta County, Botetourt County, Frederick County, Montgomery County, Pulaski County, Roanoke County, Rockbridge County, Rockingham County, Shenandoah County, Smyth County, Warren County, Washington County, Wythe County, the City of Bristol, the City of Har-

risonburg, the City of Radford, the City of Salem, the City of Staunton, and the City of Winchester. All funds paid from the revenues provided under this act for the three regions must be matched by equal or greater funds from private entities, localities, or both.

Patron - Williams

Homestead and Other Exemptions

Passed

PHB2740 Garnished wages protected by homestead exemption. Provides that an individual may protect garnished wages via the homestead exemption by filing a claim of homestead exemption any time after the garnishment summons is served on the employer, and that the court shall recognize such exemption.

Patron - Reese

Failed

FHB1446 Debtor's Exemptions. Exempts from creditor process a maximum of \$10,000 of funeral expenses paid by the debtor for a spouse or child.

Patron - Sherwood

FHB2773 Garnishment; increasing trigger level. Increases the maximum part of aggregate disposable income that may be subjected to garnishment by providing that with respect to the option established against the federal wage levels, only wages in excess of 40 times the federal minimum hourly wage may be garnished. Under current law, aggregate disposable income subject to garnishment cannot exceed the lesser of (i) 25 percent of disposable earnings for the week or (ii) the amount by which disposable earnings exceed 30 times the federal minimum hourly wage. The bill would change 30 to 40 in option (ii).

Patron - Barlow

Housing

Passed

PHB1678 Uniform Statewide Building Code; inspection of rental property. Authorizes a local governing body to adopt ordinances to inspect residential rental property for compliance with the Building Code. The bill specifies which residential rental property can be subject to such rental inspection program, which properties may be exempted from a rental inspection program, and authorizes the local governing body to charge a fee of not more than \$50 for the inspection. The bill also provides that any ordinance adopted before July 1, 2003 shall be brought into compliance with this bill by July 1, 2004 or such previously existing ordinances shall be void. The bill contains a technical amendment.

Patron - Rapp

PHB1989 Regional housing authorities. Provides that if a regional housing authority consists of only two counties, the counties may agree to appoint two commissioners each to the authority, rather than one member each.

Patron - Bloxom

PHB1990 Housing; appointment of commissioners of regional housing authorities. Provides that where federal housing law requires the appointment of a Section 8 tenant as a commissioner, the commissioners of the regional housing authority shall appoint at least one but not more than two such commissioners. The executive director of the regional housing authority shall prepare a slate of eligible candidates for appointment for the commissioners' consideration. However, the appointing commissioners shall not be required to make appointments from such slate. The bill is identical to SB 1182.

Patron - Bloxom

PHB2123 Uniform Statewide Building Code; basis for regulation. Requires that the Building Code specifically include provisions to prevent overcrowding, rodent or insect infestation, and garbage accumulation, in addition to other existing standards for public health and safety.

Patron - Reid

PHB2299 State Building Code Technical Review Board; membership. Provides that the heating and cooling contractor member may be selected from a combined slate presented by the Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America. Currently the member may be selected from a slate presented by the Virginia Association of Plumbing-Heating-Cooling Contractors.

Patron - Devolites

PHB2467 Virginia Housing Development Authority and the Board of Housing and Community Development; membership. Makes the Director of the Department of Housing and Community Development a voting member of the commissioners of the Virginia Housing Development Authority and the Executive Director of the Authority a voting member of the Board of Housing and Community Development. Currently, both directors serve as nonvoting members of their respective bodies.

Patron - Stump

PHB2480 Uniform Statewide Building Code; regulations of the Board of Housing and Community Development; new building products. Authorizes the Board of Housing and Community Development (the Board), upon finding that sufficient allegations exist regarding failures noted in several localities of performance standards by either building materials, methods, or design, to conduct hearings on such allegations if it determines that such alleged failures, if proven, would have an adverse impact on the health, safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice, the Board shall convene a hearing to consider such allegations. Such notice shall be given to the known manufacturers of the subject building material and as many other interested parties, industry representatives, and trade groups as can reasonably be identified. Following the hearing, the Board, upon a finding that (i) the current technical or administrative Code provisions allow use of or result in defective or deficient building materials, methods, or designs, and (ii) immediate action is necessary to protect the health, safety, and welfare of the citizens of the Commonwealth, may issue amended regulations establishing interim performance standards and Code provisions for the installation, application, and use of such building materials, methods, or designs in the Commonwealth. Such amended regulations shall become effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of 24 months or until adopted, modified, or repealed by the Board.

Patron - Drake

PHB2683 Uniform Statewide Building Code; rehabilitation and maintenance of existing buildings. Allows the Board of Housing and Community Development to establish a modification provision in the Uniform Statewide Building Code to facilitate the rehabilitation of existing buildings and structures including procedures to be used by local building departments in the evaluation and granting of modifications for any provisions of the Building Code.

Patron - Van Landingham

PSB1182 Housing; appointment of commissioners of regional housing authorities. Provides that where federal housing law requires the appointment of a Section 8 tenant as a commissioner, the commissioners of the regional housing authority shall appoint at least one but not more than two such commissioners. The executive director of the regional housing authority shall prepare a slate of eligible candidates for appointment for the commissioners' consideration. However, the appointing commissioners shall not be required to make appointments from such slate. This bill is identical to HB 1990.

Patron - Puckett

PSB1290 Occupancy permits. Provides that the disclaimer or disclosure form provided by the seller in a residential sale to inform the purchaser that the seller must provide a copy of the certificate of occupancy to the purchaser upon closing, unless the purchaser has acknowledged in writing that the certificate of occupancy has not been issued at the time of the purchase.

Patron - Puckett

PSB1318 Regional housing authorities; appointment of commissioners. Provides that where a regional housing authority consists of only two counties, the board of supervisors of each county included in such regional housing authority may appoint two persons as commissioners of such authority. This bill is identical to HB 1989.

Patron - Rerras

Failed

FHB1940 Housing; Elevator Safety Act; penalty. Creates the Elevator Safety Act to provide for regulation by the Board of Housing and Community Development of the installation and maintenance of elevators to ensure the safety of life and limb, and to promote public safety awareness. The bill provides definitions of the types of equipment covered by the Elevator Safety Act and provides for criminal penalties for violation. The bill creates a special classification for elevator contractors licensed by the Board for Contractors.

Patron - Drake

FHB2081 Redevelopment and housing authorities; appointment. Provides that no city, after July 1, 2003, 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. The bill provides that its provisions shall not be construed to affect existing appointments for which the terms have not expired. However, any new appointments made after July 1, 2003, shall be made in accordance with the bill.

Patron - Gear

FHB2449 Virginia Fair Housing Law; unlawful discriminatory housing practices. Provides that the use of words or symbols associated with a particular religion, national origin, sex, or race may be evidence of an illegal preference under the Virginia Fair Housing Law. Current law mandates that the use of such words or symbols shall be prima facie evi-

dence of an illegal preference. The bill also removes language preventing the use of a general disclaimer.

Patron - Griffith

FHB2528 Uniform Statewide Building Code; visitability standards. Requires certain single-family dwellings that are built with federal, state, or local assistance to meet minimum standards for visitability. This bill is identical to SB 1087.

Patron - Almand

FHB2644 Housing Authorities; powers. Requires a housing authority to hold a public hearing prior to the public or private sale of any parcel of real property that it owns with an estimated value of \$50,000 or more.

Patron - Sears

FSB867 Uniform Statewide Building Code; construction standards for affordable housing. Requires single-family affordable housing for individuals and families of low and moderate income that are built with funds awarded by the state or federal government to meet additional construction requirements for visitability.

Patron - Puller

FSB1087 Uniform Statewide Building Code; visitability standards. Requires certain single-family dwellings that are built with federal, state, or local assistance to meet minimum standards for visitability. This bill is identical to HB 2528.

Patron - Puller

Institutions for the Mentally Ill; Mental Health Generally

Passed

PHB2011 Emergency custody orders for adult persons who are mentally disabled as a result of physical injury or illness. Provides that, based upon the opinion of a licensed physician that an adult person is incapable of making an informed decision regarding treatment as a result of a physical injury or illness and that the medical standard of care indicates that testing, observation and treatment are necessary to prevent imminent and irreversible harm, a magistrate may issue, for good cause shown, an emergency custody order for such adult person to be taken into custody and transported to a hospital emergency room. This bill requires that, prior to issuance of an emergency custody order the magistrate must ascertain that there is no legally authorized person available to give consent to necessary treatment for the adult person, and that the adult person (i) is incapable of making an informed decision regarding obtaining necessary treatment, (ii) has refused transport to obtain such necessary treatment, (iii) has indicated an intention to resist such transport, and (iv) is unlikely to become capable of making an informed decision regarding obtaining necessary treatment within the time required for such decision. An opinion by the licensed physician that an adult person is incapable of making an informed decision as a result of physical injury or illness can only be rendered after such licensed physician has communicated electronically or personally with the adult person and the emergency medical services personnel on the scene to obtain information and medical data concerning the cause of the adult person's incapacity, has attempted to obtain consent from the adult person personally and has failed to obtain such consent. If there is a change in the

person's condition, the emergency medical services personnel shall contact the licensed physician. If at any time the licensed physician determines that the person has become capable of making and communicating an informed decision, such physician shall rely on the person's decision on whether to consent to further observation, testing or treatment. The person must remain in custody until an evaluation by a licensed physician is performed or the person is otherwise admitted or detained, but in no event can the period of custody exceed four hours. The law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city or town in which he serves to any point in the Commonwealth for the purpose of executing an order for emergency custody. Nothing precludes a law-enforcement officer from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody. If an order of emergency custody is not executed within four hours of its issuance, the order will be void and will be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any judge or magistrate thereof.

Patron - Bell

PHB2309 State-responsible clients; forms of identification. Requires the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) and the Director of the Department of Corrections to work with appropriate state and federal entities to assist any person who has been committed to the custody of any facility operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services or Department of Corrections, prior to release, has certain pieces of identification. DMHMRSAS consumers who have been a patient for more than one year shall have possession of the following documents, if required by their discharge plan: a DMV approved ID card, a copy of their birth certificate and a social security card. Department of Corrections will make application for similar pieces of identification.

Patron - Alexander

PHB2346 Duties of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Clarifies the authority of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services to provide inspections of and make policy and operational recommendations for licensed mental health treatment services operated by state correctional facilities. The Department of Mental Health, Mental Retardation and Substance Abuse Services currently licenses inpatient and residential mental health treatment services provided in state correctional facilities at Powhatan, Marion, Brunswick, Greenville and Fluvanna and outpatient treatment services at Marion. This bill is identical to SB 947.

Patron - Weatherholtz

PHB2445 Sexually violent predators. Moves the effective date of the sexually violent predator legislation from 2004 to "effective from its passage." The bill redefines sexually violent offense to include a forcible sexual offense committed prior to July 1, 1981, involving sodomy, object sexual penetration and aggravated sexual battery. A sexually violent predator is defined as a person with a qualifying offense who, because of a mental abnormality or personality disorder, has difficulty controlling his predatory behavior and receives a certain minimum score on a sex offender risk assessment instrument. The bill limits the person's ability to raise challenges to the validity of his prior criminal convictions and restricts his right to use evidence in his defense if he refuses to cooperate with his mental examination. Time limits for actions required on behalf of the Commonwealth are extended and primary responsibility for control, care and treatment is placed with the Department

of Mental Health, Mental Retardation and Substance Abuse Services or with a private entity with which the Department contracts. The bill changes the standard of proof for finding a person a sexual predator from "beyond a reasonable doubt" to "clear and convincing." This bill is identical to SB 1149.

Patron - Griffith

PHB2670 Transportation of person in civil commitment process. Requires magistrates to direct the transportation of persons who are the subject of an emergency custody or temporary detention order by a law-enforcement officer from a specified agency and jurisdiction to such medical facilities as may be necessary to obtain emergency medical evaluation or treatment prior to the placement of the individual in the temporary detention facility.

Patron - Hamilton

PHB2698 Civil commitment procedures. Requires the Secretary of Public Safety, in consultation with the Secretary of Health and Human Resources and the Executive Secretary of the Supreme Court, to appoint a committee on civil commitment procedures to establish statewide policies and guidelines that identify the party or parties responsible for the safety and security of individuals who are the subject of or who participate in involuntary detention and admission activities in order to assist the courts and other participating parties in the uniform and effective operation of the Commonwealth's civil commitment statutes. The policies and guidelines must include transportation, custody, medical evaluation, screening and treatment, and detention services and must recognize the varying resources of localities and conditions and needs of individuals under temporary detention orders and provide for protection of patients, staff, and employees of facilities as well as be consistent with the Emergency Medical Treatment and Active Labor Act, which requires hospitals to treat or stabilize and transport individuals presenting with an emergency or in active labor. The committee must report these policies and guidelines to the Council by October 1, 2003, and include recommendations for any legislative actions needed to implement the policies and guidelines. These policies and guidelines will be used by the applicable local representatives or counterparts of the agencies and organizations represented on the committee to develop local procedures. The representatives or counterparts are charged with reviewing the local procedures annually and revising them as necessary. This provision will, however, expire on July 1, 2004, pursuant to a second enactment clause.

Patron - Hamilton

PHB2775 Mental health; reports by guardians. Allows the jurisdiction where the incapacitated person resides to retain the filing fee of five dollars, which accompanies the annual report by the guardian, to be used for services for adults in need. Administrative costs to process and mail the fee exceed the amount of the fee and could fund resources for additional services.

Patron - Ingram

PHB2809 Mental health; power of conservator. Prohibits a conservator for an incapacitated person from revoking or amending a trust or withdrawing or demanding distribution of trust assets without the approval of the court for good cause shown, unless the trust instrument expressly provides otherwise.

Patron - Athey

PSB801 Office of Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Adds a requirement for the Inspector General to submit reports to the Joint Commission on Behavioral Health Care, or its successor in interest. The Inspector General is currently required

to submit certain reports, information, documents and recommendations to the Governor, the General Assembly, the Secretary of Health and Human Resources and the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Patron - Martin

PSB947 Duties of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Clarifies the authority of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services to provide inspections of and make policy and operational recommendations for licensed mental health treatment services operated by state correctional facilities. However, if a criminal offense has been committed, notification shall be given to the Inspector General for the Department of Corrections. The Department of Mental Health, Mental Retardation and Substance Abuse Services currently licenses inpatient and residential mental health treatment services provided in state correctional facilities at Powhatan, Marion, Brunswick, Greensville and Fluvanna and outpatient treatment services at Marion.

Patron - Houck

PSB1121 Criminal background checks; victims of domestic violence. Authorizes community services boards, behavioral health authorities and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire persons who were convicted of one misdemeanor offense for assault and battery or assault and battery against a family or household member if 10 years have elapsed following the conviction, unless the person committed such offense in the scope of his employment in a direct consumer care position.

Patron - Lucas

PSB1149 Civil commitment; sexually violent predators. Moves the effective date of the civil commitment of sexually violent predator legislation from 2004 to "effective from its passage." The bill redefines sexually violent offense to include a forcible sexual offense committed prior to July 1, 1981, involving sodomy, object penetration or sexual battery. Sexually violent predator is defined as a person who, because of a mental abnormality or personality disorder, has serious difficulty controlling his predatory behavior. The bill limits the person's ability to raise challenges to the validity of his prior criminal convictions and restricts his right to use evidence in his defense if he refuses to cooperate with his mental examination. Time limits for actions required on behalf of the Commonwealth are extended and primary responsibility for control, care and treatment is placed with the Department of Mental Health, Mental Retardation and Substance Abuse Services or with a private entity with which the Department contracts. The bill changes the standard of proof for finding a person a sexual predator from "beyond a reasonable doubt" to "clear and convincing." This bill is identical to HB 2445.

Patron - Stolle

PSJ358 Effective treatment modalities and practices for children with mental health needs. Directs the Virginia Commission on Youth, or its successor in interest, to make empirically based information concerning effective treatment modalities and practices for children available through the Internet. The Commission shall seek the assistance of the SJR 99 Advisory Group, the Secretary of Health and Human Resources, the Secretary of Public Safety, and the Secretary of Education in posting, maintaining, and biennially updating this information. Such information shall include effective, empirically based, treatment modalities and practices for juvenile offenders with mental health treatment needs, symptoms, and

disorders. The agencies of the Secretariat of Health and Human Resources that deliver services to children, the Department of Education, and the Department of Juvenile Justice must also post this information on their respective websites, provide for the dissemination of the information in as efficient and cost-effective manner as possible, and ensure access to the information by consumers, family members, advocates, mental health policy makers, and other interested persons. The Virginia Commission on Youth, or its successor in interest, must submit an executive summary and report of its progress in meeting the directives of this resolution no later than the first day of the 2004 Regular Session of the General Assembly.

Patron - Houck

Failed

FHB2446 Civil commitment of sexually violent predators. Authorizes the civil commitment of persons convicted of two or more violent sex offenses on different occasions whose mental abnormalities render them so likely to commit sexually violent offenses that they constitute a threat to the health and safety of others. The bill establishes a procedure for determining whether a sex offender who is scheduled to be released from prisoner meets the criteria for civil commitment. A Commitment Review Committee will review eligible prisoners and make a recommendation to the Attorney General. The Attorney General determines whether to file a petition for the commitment of the prisoner. The prisoner is entitled to a jury trial. Persons who are committed are placed in the custody of the Department of Mental Health, Mental Retardation and Substance Abuse Services for an indeterminate period in a secure facility operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment and confinement consistent with their needs or the Commonwealth may contract with a public or private facility, in or out of state, to provide comparable care, control and treatment.

Patron - Griffith

FHB2572 Mental health; procedures for implementation of temporary detention orders. Requires, in the interests of promoting public safety and efficient and effective use of resources, each community services board to convene a task force, with representation from law-enforcement agencies; facilities and practitioners providing emergency medical evaluations, treatment or temporary detention; courts; state hospitals; local governments; and other relevant entities, to develop procedures for implementing temporary detention orders. Such procedures shall be consistent with the requirements of the Emergency Medical Treatment and Active Labor Act (42 U.S.C. 1395dd) and shall include, but need not be limited to, provisions for transportation; medical evaluation, screening, and treatment; and detention services that recognize the many and varying conditions and needs of individuals subject to temporary detention orders and the need to protect their security and the security of other patients and facility staff and employees providing emergency medical evaluation, treatment or detention services. All relevant agencies and entities convened by the relevant community services board shall appoint representatives to the task force required by this subsection who shall develop and implement the required procedures and shall, at least annually, review and revise such procedures as necessary.

Patron - Scott

FSB1079 Mandatory outpatient treatment. Establishes a program of mandatory outpatient treatment in those jurisdictions served by a community services board that the Commissioner designates as having adequate and appropriate resources for the provision of mandatory outpatient treatment.

The bill authorizes mandatory outpatient treatment only for persons previously hospitalized due to noncompliance with prescribed psychiatric treatment. The bill requires that a specific written treatment plan be prepared by the community services board that gives consideration to the treatment preferences of the individual and explicitly bars the forcible administration of medication. The bill also authorizes law-enforcement personnel to transport the individual to a treatment facility for persuasion and evaluation by a treatment provider only when the individual has substantially failed to comply with the treatment plan without good cause, and only for a three-hour period, including transportation time. The bill also limits the duration of the court order to 180 days or less, and provides the person with procedural protections, including the right to an adversary hearing, the right to counsel, the right to an appeal, and the right to a jury trial on appeal.

Patron - Marsh

FSB1119 Involuntary detention and commitment.

Provides that persons in emergency custody or subject to the involuntary detention or commitment process shall not be handcuffed, shackled or otherwise restrained during their transport or hearings unless they present a clear, immediate and severe threat to the law-enforcement officer or others or to their own personal safety. The bill provides that a person subject to a temporary detention order shall be detained in a facility in or closest to the locality in which he resides unless not feasible. The bill also requires commitment hearings to be held in the locality in which the person whose involuntary admission is being sought resides and at the facility where the person has been involuntarily detained unless not feasible. Finally, the bill requires the chief judge of the general district court, with assistance from the local community services board serving his jurisdiction, to maintain a list of local examiners from which the judge conducting the commitment hearing shall obtain an examiner.

Patron - Lucas

FSB1326 Judicial authorization of treatment and detention. Removes the court's authority to order the withholding or withdrawal of a specific treatment or course of treatment for a mental or physical disorder when an adult patient is either incapable of making an informed decision on his own behalf or is incapable of communicating an informed decision due to a physical or mental disorder and the proposed action is in the best interest of the person. Authority to order a specific treatment or a course of treatment is retained for the allegedly incapable adult person. This provision also strikes the authority for "any person" to file a request for a court to order the withholding or withdrawal of treatment for an adult person who is incapable of making or communicating informed consent. For individuals incapable of making or communicating informed consent who are hospital patients at the time of the petition for treatment, this provision requires "complete accordance with the Health Care Decisions Act . . . and the delineated authorization of consent as set forth in § 54.1-2986, with all prudent effort made to obtain such informed consent from an individual or individuals in order of priority who are legally authorized to give consent."

Patron - Mims

Insurance

Passed

PHB1737 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

PHB1777 Medical Malpractice Joint Underwriting Association. Specifies that the limits of liability for policies written in the Medical Malpractice Joint Underwriting Association may not exceed two million dollars for each claimant under any one policy and six million dollars for all claimants under one policy in any one year. Currently, the limits of liability for such policies may not exceed one million dollars for each claimant under any one policy and three million dollars for all claimants under one policy in any one year. This measure will conform this provision with the cap on recovery in medical malpractice actions. The measure has an emergency clause.

Patron - Woodrum

PHB1826 Health insurance; re-underwriting individuals. Prohibits any health insurer from adjusting premiums, benefits, or contractual terms of existing individual health insurance coverage based upon its reevaluating of the individual's health status or claim experience, at the renewal date of the insurance contract. This prohibition does not apply to adjustments to the premium, or rescission of, or amendments to the insurance contract, if the insurer, subsequent to issuing the policy, learns of information that was not disclosed in the underwriting process and that, if known, would have resulted in higher premiums. Such adjustments, rescission or amendment is also permitted (i) when an insurer provides certain lifestyle-based good health discounts and (ii) when an insurer removes waivers or riders that limit coverage for specific named preexisting conditions.

Patron - Morgan

PHB1886 Health insurance; coverage for reconstructive breast surgery. Provides that notice of the availability of health insurance coverage for reconstructive breast surgery be provided to the policy's subscribers upon enrollment in the policy and annually thereafter.

Patron - May

PHB1937 Insurance agent licensing. Increases the maximum amount of burial association group life insurance certificate that may be solicited with respect to members of such an association, pursuant to a limited burial insurance authority, to \$7,500. Currently the maximum is \$5,000.

Patron - Nixon

PHB1948 Property insurance; adverse underwriting decisions. Prohibits an insurer from basing an adverse underwriting decision solely on the loss history of a previous owner of the property to be insured.

Patron - Drake

PHB2048 Virginia Birth-Related Neurological Injury Program. Authorizes the Workers' Compensation Commission to award up to \$100,000 to the parents or legal guardian of an injured infant covered under the Virginia Birth-Related Neurological Injury Program who dies within 180 days of birth. The Program is made subject to the Freedom of Information Act and is required to implement procedures consistent with the Public Procurement Act and the rulemaking provisions of the Administrative Process Act. The Virginia Birth-Related Neurological Injury Fund must be audited annually by a certified public accountant. The Office of the Attorney General is required to provide legal services for the Program. Other changes (i) clarify that a mother is not subject to the Program's

exclusive remedy provision with respect to physical injuries she suffers during delivery; (ii) require hospitals to release fetal monitoring strips to the Program or injured infant's legal representative and provide that the failure to provide the information creates a rebuttable presumption of fetal distress; (iii) require the investigation and referral to the Board of Health Professions or Department of Health, as appropriate, of health care providers and participating hospitals if the conduct gives rise to disciplinary action; (iv) require physicians and nurse midwives to inform patients whether they are participants in the Program; (v) require all hospitals to provide a brochure on the Program with post-partum materials if the infant was hospitalized in a neonatal intensive care unit; (vi) require the report of the reviewing panel of physicians to be mailed to the Program and all parties within 60 days after the filing of a petition; and (vii) provide that the Act's exclusive remedy provision applies with respect to claims by an infant's parents or other representative if the claim is derivative of the medical malpractice claim involving the infant's injury. The panel's report is required to confirm whether each element of the definition of a birth-related injury is satisfied, and the panel is to complete such documentation as the Program's board of directors requires. Physician review panel duties will rotate among Eastern Virginia Medical School, University of Virginia School of Medicine, and the Medical College of Virginia on a case-by-case basis. The Commission may require the claimant to procure health insurance for the injured infant, to be paid for from the Fund. The Commission may award unsuccessful petitioners reasonable attorneys' fees and other expenses incurred in filing a claim in good faith. The Program's board is required to consult semiannually with the chief investment officer of the Virginia Retirement System regarding fund management strategies and asset allocations, and the Program's investment advisor shall provide annual statements explaining the expected returns on its equities and fixed income portfolios. The Program's board is directed to (a) develop and implement a policy on handicapped-accessible housing, (b) study and develop options for revising fees for participating providers, and (c) maintain a list of Program participants and, with consent, make the list available to other claimants. The board of director's power to reduce the annual participating physician assessment and the annual participating hospital assessment is eliminated. The board's nonparticipating physician representative is replaced with a citizen member with professional experience working with the disabled community. Two of the other citizen members of the board are required to have a minimum of five years of professional investment experience, one is required to have professional experience working with the disabled community, and one shall be the parent of a disabled child. This bill incorporates HB 2307.

Patron - Woodrum

PHB2234 Essential and standard health services plans. Exempts essential and standard health services plans from mandated provider requirements and allows such plans to include co-payment, co-insurance, deductibles and other cost-sharing arrangements.

Patron - Pollard

PHB2267 Insurance; unfair settlement practices; replacement and repair. Prohibits insurance companies and their representatives from failing to disclose to its insured or claimant, at any time that it recommends the use of a designated replacement or repair facility or service or products of a designated manufacturer that (i) such person is not obligated to use such facilities, services, or materials and (ii) the insurer has a financial interest in the replacement or repair facility, if the insurer has such an interest. This bill incorporates HB 2333 and HB 2737.

Patron - Hargrove

PHB2512 Motor vehicle insurance; exclusion of named persons. Allows a named insured to exclude any person under personal umbrella and excess insurance policies. The exclusion must be made in writing by the first named insured and acknowledged in writing by the excluded driver. This bill is identical to SB 1154.

Patron - McDonnell

PHB2524 Insurance information privacy. Permits the oral communication of an insurer's privacy practices provided that the insured is given written notice of such practices if a policy is issued. The bill also permits agents to be in compliance with notice requirements if the notice has been given within the previous 12 months.

Patron - Morgan

PHB2535 Use of credit information in insurance transactions. Prohibits insurers from nonrenewing homeowners, renters, or motor vehicle insurance policies based on credit information contained in a consumer report. If credit information is used in part as the basis of nonrenewal, the report must have been procured within 120 days from the date of the nonrenewal. The measure also establishes requirements concerning the use of credit information and credit scores for underwriting, tier placement, or rating purposes with respect to such insurance policies. This bill is identical to SB 1284.

Patron - Byron

PHB2544 Home protection companies; arbitration clauses. Permits home protection companies to include in their contracts a provision that requires the contract holder to submit to binding arbitration in any dispute between the contract holder and the home protection company.

Patron - McDonnell

PHB2601 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. "Copayment" is defined as an amount an enrollee is required to pay in order to receive a specific health care service. "Deductible" is defined as an amount an enrollee is required to pay out-of-pocket before the health care plan begins to pay the costs associated with health care services. This bill is identical to SB 1195.

Patron - Bryant

PHB2606 Fire insurance; exclusions. Provides that commercial property and casualty insurance policies shall not cover loss or damage from certified acts of terrorism if the insured has refused coverage offered pursuant to the federal Terrorism Risk Insurance Act. The measure also allows simplified and readable policies to be issued to apply on an excess or primary basis if such provisions are clearly stated.

Patron - Bryant

PHB2609 Annuity contracts; minimum interest rate. Reduces the minimum interest rate on individual deferred annuities issued by insurance companies between April 1, 2003 and July 1, 2005, from three percent to one and one-half percent per year. The interest rate applies to minimum nonforfeiture amounts applicable to net considerations, partial withdrawals, and partial surrenders. The measure has an emergency clause.

Patron - Bryant

PHB2613 Viatical Settlement Act. Replaces the existing Viatical Settlement Act with a more comprehensive version based on model legislation adopted by the National

Association of Insurance Commissioners (NAIC) in 2000. The measure authorizes persons who are licensed by the State Corporation Commission as viatical settlement providers and viatical settlement brokers to negotiate, effectuate, and assume responsibility for viatical settlement contracts. A viatical settlement contract is an agreement by which the owner of an insurance policy may accept an immediate cash payment in exchange for the assignment, transfer, sale, or other conveyance of the death benefit or ownership of the insurance policy. This measure regulates viatical settlements regardless of whether the transaction involves a chronically or terminally ill person. Other provisions (i) adopt new definitions that recognize the securitization activities of viatical settlement brokers and providers, (ii) expand notice and disclosure requirements, and (iii) require brokers and providers to develop anti-fraud plans. Provisions of the act that differ from the NAIC model include (a) specifying that this act does not preempt the Virginia Securities Act and (b) prohibiting the viatication of life insurance policies that are less than two years old except in limited circumstances, including the chronic or terminal illness of the insured. Life and annuities insurance agents are permitted to be licensed as viatical settlement brokers. This bill incorporates HB 2268.

Patron - Bryant

PHB2802 Insurance consultants; contract provisions. Requires any incentives, bonuses, overrides, or any other form of remuneration, whether direct or indirect, to which an insurance consultant is entitled to be specified in the consultant's contract.

Patron - Carrico

PHB2803 Accident and sickness insurance; claims experience. Requires insurers issuing group accident and sickness insurance policies to provide to policyholders that are large employers, upon request, when providing the policyholder's claims experience record, a summary of claims charges incurred and the amount paid for each claim for the most recent available 24-month period. This record must also include (i) the monthly enrollment in each membership type, and (ii) a listing of claims in excess of \$50,000, for the same 24-month period.

Patron - Carrico

PSB853 Insurance administration assessment; company reports. Allows insurance companies to file assessment reports either on a form furnished by the State Corporation Commission or on a form furnished by the insurer or its vendor if the form has been approved by the Commission. Currently, the reporting forms must be furnished by the Commission.

Patron - Stosch

PSB877 Insurance agents; payment of late payment penalties. Clarifies that an insurer's failure to pay penalties imposed as a result of late payment of appointment processing fees and renewal appointment fees constitutes nonpayment of the required fees, and such failure constitutes grounds for termination of the appointment.

Patron - Wampler

PSB878 Insurance information security programs. Requires insurance institutions, agents, and insurance-support organizations to implement a comprehensive information security program to safeguard the privacy of consumer information. The measure is required pursuant to the federal Gramm-Leach-Bliley Act and is based on model language adopted by the National Association of Insurance Commissioners.

Patron - Wampler

PSB943 Health insurance exclusion periods for preexisting conditions; pregnancy. Clarifies that the prohibition on excluding health insurance coverage for pregnancy as a preexisting condition does not apply to eligible individuals purchasing individual health insurance coverage. In such cases, the health insurer may impose a preexisting condition exclusion for a pregnancy that exists on the effective date of coverage. This change is intended to resolve an inconsistency with another provision that currently provides that preexisting conditions may not be applied for eligible individuals for individual health insurance coverage.

Patron - Colgan

PSB944 Health insurance policy provisions; refunds of unearned premiums. Clarifies that provisions added by House Bill 1236 (2000) regarding refunds of the unearned portion of premiums are inapplicable to policies that were issued prior to January 1, 2001, and have not been subsequently renewed or extended. The amendments make no substantive change to the legislation enacted in the 2000 Session.

Patron - Colgan

PSB978 Insurance; claims experience data. Requires any rate service organization designated by the Commission to gather and compile experience data for any classification of workers' compensation insurance that includes coal mining to report such data annually to the Commission for the most recent five years for which such data is available.

Patron - Wampler

PSB993 Motor vehicle insurance; uninsured motorist coverage. Authorizes an immune defendant to remain as a party to litigation as an anonymous party if the court refuses to dismiss such defendant. A judgment against the immune defendant in such event is enforceable against the insurer to the same extent as though the judgment was entered in the actual name of the immune defendant.

Patron - Mims

PSB1081 Health insurance; mandated coverage for morbid obesity treatment. Requires that the standards and criteria, including those related to diet, used by insurers to approve or restrict access to surgery for morbid obesity shall be based upon current clinical guidelines recognized by the National Institutes of Health. This is intended to clarify whether insurers can consider dietary standards.

Patron - Lambert

PSB1131 Insurance notices. Provides that a cancellation, nonrenewal or certain other notices regarding motor vehicle, homeowners, and certain liability insurance policies are effective if the insurer (i) obtains a written receipt from the United States Postal Service showing the date of mailing and the number of items mailed and (ii) retains a mailing list showing the name and address of the insured to whom the notices were mailed, together with a signed statement that the United States Postal Service receipt corresponds to the insurer's mailing list.

Patron - Norment

PSB1154 Motor vehicle insurance; exclusion of named persons. Allows a named insured to exclude any person under personal umbrella and excess insurance policies. The exclusion must be made in writing by the first named insured and acknowledged in writing by the excluded driver. This bill is identical to HB 2512.

Patron - Stolle

PSB1195 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. "Copayment" is defined as an amount an enrollee is required to pay in order to receive a specific health care service. "Deductible" is defined as an amount an enrollee is required to pay out-of-pocket before the health care plan begins to pay the costs associated with health care services. This bill is identical to HB 2601.

Patron - Wagner

PSB1284 Use of credit information in insurance transactions. Prohibits insurers from nonrenewing homeowners, renters, or motor vehicle insurance policies based on credit information contained in a consumer report. If credit information is used in part as the basis of nonrenewal, the report must have been procured within 120 days from the date of the nonrenewal. The measure also establishes requirements concerning the use of credit information and credit scores for underwriting, tier placement, or rating purposes with respect to such insurance policies. This bill is identical to HB 2535.

Patron - Puckett

PSB1316 Medical malpractice joint underwriting association; activation. Require the State Corporation Commission to commence an investigation of the voluntary market for medical malpractice insurance not later than October 1, 2003, to determine whether there exists sufficient need to activate the medical malpractice joint underwriting association. The Commission shall activate the association if, after investigation, notice, and hearing, it finds that medical malpractice insurance cannot be made reasonably available in the voluntary market for a significant number of any class, type, or group of providers of health care.

Patron - O'Brien

Failed

FHB1698 Health insurance; diabetes treatment by dietitians. Prohibits the denial of reimbursement under an accident and sickness insurance policy when covered services are provided by a dietitian in connection with care for diabetes. The measure also provides that mandated diabetes in-person outpatient self-management training and education may be provided by dietitians.

Patron - McQuigg

FHB2032 Healthcare 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 for children from birth to age 18. Such coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,400, every 36 months. The insured may choose a higher priced hearing aid and pay the difference in cost above \$1,400, with no penalty to the insured or the hearing aid provider.

Patron - Petersen

FHB2072 Health insurance; referrals to participating physicians. Prohibits health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations from requiring a covered individual to obtain a referral from his primary care physician or prior authorization of the health plan as a condition to access to the services any physician who is (i) participating in the plan's provider panel, (ii) authorized to provide services under the plan, and (iii) selected by such individual.

Patron - Dudley

FHB2092 Uninsured motorist insurance coverage; duty to defend. Eliminates the duty of a primary insurance carrier to defend an uninsured motorist case once the carrier has paid the limits of the policy.

Patron - Joannou

FHB2178 Civil procedure; disclosure of insurance liability limits. Requires disclosure of the liability limits to an attorney for an injured person, prior to the filing of a civil action for personal injuries resulting from a motor vehicle accident, after the attorney provides written notice of representation.

Patron - Kilgore

FHB2260 Uninsured motorist insurance coverage. Permits an insured who sues an uninsured motorist for damages of less than \$35,000 to add his insurance carrier to a suit as a defendant if the carrier chooses to participate in a defense against the insured. The bill also allows an insured to seek judgment jointly or severally against any owner of a vehicle who knew or should have known that the vehicle was operated unlawfully. Finally, the bill prohibits an insurer that was defending an uninsured motorist claim from appealing a judgment of less than \$35,000.

Patron - Watts

FHB2268 Viatical Settlement Act. Replaces the existing Viatical Settlement Act with a more comprehensive version based on model legislation adopted by the National Association of Insurance Commissioners (NAIC) in 2000. A viatical settlement contract is an agreement by which the owner of an insurance policy may accept an immediate cash payment in exchange for the assignment, transfer, sale, or other conveyance of the death benefit or ownership of the insurance policy. The proposal permits the viatication of life insurance policies within two years following their issuance upon the occurrence of several events, such as divorce or attaining age 65, that are not currently authorized. Currently, such policies may be viaticated within the two-year period only if the viator is terminally ill or chronically ill. Variations from the NAIC model will (i) allow any person with a life insurance producer's license to be deemed to hold a viatical settlement broker's license upon notifying the State Corporation Commission and paying applicable fees; (ii) permit viatical settlement providers to appoint a viatical settlement provider representative, who negotiate viatical settlement contracts with viators on behalf of providers; and (iii) require insurers to inform policy owners who may be considering canceling their policies or letting them lapse of the opportunity of a viatical settlement. Administrative matters, including procedures for obtaining cease and desist orders, the conduct of examinations, issuing subpoenas, retaining experts to assist in examinations, confidentiality of materials, conflicts of interest, and liability of the Commission and its examiners, are addressed in detail. The bill will become effective September 1, 2003. This bill is incorporated into HB 2613.

Patron - Hargrove

FHB2307 Birth-Related Neurological Injury Compensation Program. Requires participating hospitals and physicians to notify obstetrical patients of the rights and limitations provided by the Birth-Related Neurological Injury Compensation Program, and to provide for written consent by patients who agree that any claim with respect to a birth-related neurological injury will be pursued under the Program to the exclusion of any medical malpractice claim. If an obstetrical patient does not consent to have the participation in the program be the claimant's exclusive remedy, the infant's legal representative may either pursue a claim under the Program or bring a civil action against a participating hospital or physician.

Other amendments to the Program require that each hospital that provides obstetrical services (i) retain records relating to labor or delivery, including the fetal heart monitor tape, for a minimum of 10 years and (ii) provide possible claimants with all medical records related to birth. A hospital that fails to do so shall be subject to a civil penalty of not more than \$5,000. If the hospital fails to provide the fetal heart monitor tape, fetal distress shall be rebuttably presumed. The State Corporation Commission's authority to suspend the annual assessment levied upon participating hospitals and physicians is eliminated. This bill is incorporated into HB 2048.

Patron - Devolites

FHB2333 Insurance; unfair settlement practices; replacement and repair. Prohibits insurance companies and their representatives from recommending the use of a designated replacement or repair facility or service or products of a designated manufacturer when settling a claim without first (i) advising the insured or claimant that they are not obligated to use such facilities, services, or materials and (ii) disclosing to the insured or claimant whether or not the insurer or its representative has a financial interest in the facility. Failure to advise the insured or claimant may result in penalties of up to \$5,000. The use of such facilities, services or materials alters neither the insurer's nor the insured or claimant's liabilities or obligations under the insurance policy or applicable law. This bill is incorporated into HB 2267.

Patron - Miles

FHB2353 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

FHB2443 Homeowners insurance policy nonrenewals. Prohibits an insurer or agent from refusing to renew an insurance policy that was written on an owner-occupied dwelling solely because of a claim resulting primarily from other than natural causes, unless the claim is related to a substantial increase in the risk of loss that the insurer assumed under the policy. Currently, an insurer may not refuse to renew a policy due to claims resulting primarily from natural causes, but may do so for claims resulting primarily from any other cause.

Patron - Dillard

FHB2552 Health care coverage; artificial limbs. Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for artificial limbs.

Patron - Landes

FHB2558 Liability insurance; overvoltage claims. Provides that a liability insurer's refusal to pay a claim resulting from an electricity overvoltage is arbitrary or unreasonable if the insurer requires relitigation of the issue of the negligence of the insured or the electric utility as causing the overvoltage. In addition, a finding that the insured or the electric utility was, or was not, negligent shall be binding upon the trier of fact in any subsequent action involving a claim against the insured for injury or damage resulting from the overvoltage, and the insured is collaterally estopped from relitigating the issue of the negligence of the insured and the electric utility.

Patron - Scott

FHB2567 Nonrenewal of fire policies based on claims. Prohibits an insurer from nonrenewing a homeowner's policy based on the filing of a claim that results primarily from nonnatural causes when the insurer's underwriting standards or

other business practices under which the filing of claims constitutes grounds for not renewing the policy, unless the insurer notifies the insured that his claim will be grounds for nonrenewing the policy and that the insured may withdraw such claim without prejudice. If the insured does not withdraw his filing of the claim, the processing of the claim will proceed and its filing may be considered by the insurer in deciding whether to nonrenew the policy.

Patron - Scott

FHB2660 Fire Programs Fund; assessment on motor vehicle insurance. Requires insurance companies that write motor vehicle insurance to pay an assessment of one percent of the total direct gross premium income from such insurance. The assessments will be paid into the Fire Programs Fund, which is administered by the Department of Fire Programs under policies and definitions established by the Virginia Fire Services Board.

Patron - Van Yahres

FHB2676 Insurance; reimbursement for ambulance services. Requires the issuer of an accident and sickness policy that provides reimbursement for ambulance services to pay the amount billed, unless the issuer has negotiated a different amount. If the issuer has negotiated a lower amount, the covered person may not be held liable for the difference between the billed amount and the negotiated amount.

Patron - O'Bannon

FHB2737 Motor vehicle insurance; referral of certain business. Prohibits motor vehicle insurers from recommending the use of a designated replacement or repair facility or service, or the products of a designated manufacturer, in connection with settling or paying any claim arising under a policy or policies of insurance without (i) notifying the insured or claimant that he is under no obligation to use the recommended facility, service or products, and (ii) disclosing to the insured or claimant whether or not the insurer or its representative has a financial interest in such facility or service. The bill also prohibits such insurers from referring an insured to such facilities in which the insurer holds a controlling interest. "Control" is defined as the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, and includes ownership of 10 percent or more of a corporation's voting shares. This bill is incorporated into HB 2267.

Patron - Lingamfelter

FHB2753 Insurance; use of credit information. Sets forth specific criteria for insurers who use consumer credit information to underwrite risks in motor vehicle insurance and fire insurance policies. Insurers are prohibited from denying, cancelling, or nonrenewing a policy solely based on credit information, basing an insured's rates solely upon credit information, or considering the absence of credit information in underwriting. Insurers that use credit information in underwriting are required to update an insured's credit information every 36 months. If an insurer uses credit information in underwriting, it must disclose so on the insurance application. If an insurer takes an adverse action based upon credit information, the insurer must notify the consumer and explain the reason for the action in specific terms. Insurers are required to file their credit scoring models or other scoring processes with the Bureau of Insurance.

Patron - Abbitt

FHB2779 Accident and sickness insurance; coverage for household members. Permits an accident and sickness insurance policy to be extended to include coverage for persons (i) in whom the primary insured has an insurable interest, and

(ii) who reside in the same household as the insured. Current law only permits coverage to be extended to a spouse or dependent children of the insured.

Patron - Dillard

FSB870 Health insurance; exclusion for prophylactic surgical procedures for difficult-to-diagnose pathologies; genetic predisposition. Prohibits health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations from refusing to provide coverage for prophylactic surgical procedures and medical services directly related thereto, in cases where the covered person's treating physician has determined that the person has a genetic factor or family history indicating a predisposition to a difficult-to-diagnose pathology, the risks to the covered person of developing the difficult-to-diagnose pathology as a result of such person's predisposition render such services medically appropriate, and coverage for treatment of the difficult-to-diagnose pathology would be provided under the terms of the policy, contract or plan if the difficult-to-diagnose pathology has been diagnosed. A difficult-to-diagnose pathology is a disease that is asymptomatic or otherwise not susceptible to diagnosis until reaching a stage at which the likelihood of successful treatment is significantly less than it would be had the treatment been performed when the disease was asymptomatic or not susceptible to diagnosis. A prophylactic surgical procedure is a surgical procedure that is performed prior to the diagnosis of or presentation of symptoms of a difficult-to-diagnose pathology, in order to prevent, eliminate or reduce the likelihood of the development of the difficult-to-diagnose pathology.

Patron - Deeds

FSB919 Health insurance program for self-employed persons. Requires the Department of Human Resource Management to establish a program authorizing self-employed persons and their dependents to participate as enrollees in the health insurance plan for state employees. Participating self-employed persons will be required to pay the full cost of their participation in the state employees' health insurance plan, in order that the costs of the program shall have no material effect upon the costs of the state employees' health insurance plan. Participating self-employed persons will constitute a part of the same group as the other individuals participating in the state employees' health insurance plan.

Patron - Byrne

FSB994 Motor vehicle insurance; underinsurance coverage; notice of payment to the extent of available coverage. Specifies the nature and content of the notice that a liability insurance carrier must give its insured whenever (i) it intends to pay the entire amount of the insured's limits of available coverage under the policy to a liability insurance claimant and (ii) the claimant has underinsured insurance coverage in excess of the amount paid. The notice must also be given to all insurance carriers providing underinsurance coverage relative to the claim. The contents of the notice must include a statement that (a) the liability insurance carrier will continue to provide a defense of the claim, (b) all available limits of liability have been paid to the claimant and (c) the insured may be personally liable for any judgment in excess of the amount paid. The bill also provides that by giving such notice to the carrier providing underinsurance coverage to the claimant, the costs of defense may be shifted from the liability carrier to the underinsurance carrier.

Patron - Mims

FSB1016 Insurance; use of social security number. Prohibits an insurer from using an insured's social security number as the insured's account number with the insurer, and

from including the insured's social security number on any written or electronic correspondence, if the consumer has requested in writing that the supplier use a different number.

Patron - Reynolds

FSB1150 Insurance reimbursement for multiple surgical procedures. Requires insurers to reimburse each procedure for reconstructive breast surgery on different breasts in full whether or not performed during the same operative session.

Patron - Stolle

FSB1159 Hearing aids for small children. Requests the State Corporation Commission to study the costs and benefits of requiring insurers to cover hearing aids for children under age five. In conducting its study, the Commission shall examine (i) the cost of providing hearing aids to children under age five, including the effect on health insurance premiums, (ii) the effects on the speech, language, and emotional development of children who have not had hearing aids before age five, (iii) the costs of providing special services to children who are deaf and hard-of-hearing, (iv) the additional costs of education of children who are deaf and hard-of-hearing, and (v) any other matter the Commission deems relevant.

Patron - Ticer

FSB1166 Fire Programs Fund; assessment on motor vehicle insurance. Requires insurance companies that write motor vehicle insurance to pay an assessment of one percent of the total direct gross premium income from such insurance. The assessments will be paid into the Fire Programs Fund, which is administered by the Department of Fire Programs under policies established by the Virginia Fire Services Board.

Patron - Puckett

FSB1248 Accident and sickness insurance; coverage for obesity. Requires health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations to offer and make available the opportunity to purchase a rider or endorsement to the policy, contract or plan that provides coverage for the treatment of obesity.

Patron - Miller, Y.B.

FSB1265 Health insurance coverage; menorrhagia. Expands the current requirement for insurance coverage for bleeding disorders to include menorrhagia. "Menorrhagia" is defined as menstrual blood loss greater than 80 milliliters per menstrual cycle.

Patron - Miller, Y.B.

FSB1294 Motor vehicle insurance repair settlement practices. Provides that insurers shall not be required to pay an amount for motor vehicle repair services or repair products necessary to properly and fairly repair a vehicle that exceeds the prevailing competitive charges for equivalent services or products charged by similar contractors or repair shops within a reasonable geographic or trade area of the address of the insured or claimant.

Patron - Williams

FSB1328 Health insurance; fair business practices. Provides that the "retroactive denial of a previously paid claim" or "retroactive denial of payment" includes any attempt by a carrier to deny or adjust a claim after it has been paid, or collect from the provider any sums previously paid to the provider with respect to a claim that the carrier had approved, unless the carrier has based such denial or adjustment on information specific to that claim, and not on an extrapolation of the

results of an audit of a sample of other claims. The measure also prohibits a carrier from (i) seeking to collect alleged overpayments from a provider with respect to any claim or claims previously paid if the carrier's allegation of overpayment is based on an extrapolation of the results of an audit of a sample of a provider's claims to other, unaudited claims or (ii) conducting an audit of a provider's claims unless the State Corporation Commission has determined that the methods and procedures pursuant to which the audit is conducted are fair and equitable.

Patron - Saslaw

Labor and Employment

Passed

PHB1751 **Payment of wages and salaries.** Authorizes payments of wages or salaries by electronic funds transfer to be made into a trust account on which the employee is a named beneficiary, with consent of the employee.

Patron - Parrish

PHB2696 **Occupational health and safety.** Deletes obsolete language relating to the effect of 1972 legislation upon duties of the Department of Labor and Industry, the Commissioner of Labor and Industry, and the State Corporation Commission. The deleted provision refers to duties imposed upon the State Corporation Commission by sections of the Code that have either been repealed or do not pertain to the State Corporation Commission.

Patron - Woodrum

PSB989 **Child labor; exemptions.** Lowers the minimum age for referees of sporting events from 13 to 12 years of age.

Patron - Mims

Failed

FHB1887 **Workplace privacy.** Requires employers with 10 or more employees to notify employees prior to engaging in electronic monitoring. The bill provides limited restrictions on the power to engage in and the disclosure of material obtained through electronic monitoring. Employers are not required to give notice when they have reasonable grounds to believe that a particular employee is engaged in conduct that violates the law, the legal rights of the employer or the employer's employees, or creates a hostile workplace environment, and that electronic monitoring will produce evidence of this misconduct. The original version of this bill is a recommendation of the Joint Commission on Technology and Science.

Patron - May

FHB2258 **Employment records.** Requires a current or former employer to provide employment information to a prospective law-enforcement employer. The current or former employer is afforded the same immunity from civil liability as provided under § 8.01-46.1, and is required to provide for the confidentiality of the information. The current or former employer may charge a reasonable fee for copying and furnishing the documents.

Patron - Watts

FHB2790 **Blood-borne pathogen hazards in the workplace; needleless systems and engineered sharps**

injury protection. Requires the Safety and Health Codes Board to provide an emergency temporary standard, which must be followed by adoption of a permanent standard, that establishes protections for occupational exposure to blood-borne pathogens and must include requirements for engineered sharps injury protection and needleless systems and may include other mechanisms for preventing sharps injuries and exposure prone incidents such as training and education, vaccination recommendations, strategic handling and placement of sharps containers, and use of personal protective equipment. "Engineered sharps injury protection" is defined as a physical attribute (i) built into a needle device used for withdrawing body fluids, accessing a vein or artery or administering medications or other fluids that effectively reduces the risk of exposure to blood-borne pathogens by mechanisms, such as barriers, blunting, encapsulation, withdrawal, retraction, destruction or other effective protection; or (ii) built into any other type of needle device or into a nonneedle sharp that effectively reduces the risk of exposure to blood-borne pathogens. "Needleless system" is defined as a device that does not utilize needles that may be used for (i) withdrawal of body fluids after venous or arterial access has been established; (ii) administration of medication or fluids; or (iii) any other procedure that includes a risk of exposure to blood or other body fluids and, thereby, the risk of exposure to blood-borne pathogens. The State Health Commissioner is required to advise and provide technical aid to the Commissioner of Labor and Industry and to the Safety and Health Codes Board concerning occupational exposure to blood-borne pathogens and the use of engineered sharps injury protection and needleless systems. This assistance must include a list of available needleless systems and sharps with engineered sharps injury protection that can be developed from existing sources and must be made available to assist employers. Each employer having employees at risk for exposure to blood-borne pathogens through injury with sharps must (i) conduct product evaluations of needleless systems and sharps with engineered sharps injury protections and (ii) establish an evaluation committee, at least half of whom must be front-line health care workers. The product evaluations must include various devices such as I.V. catheters, I.V. access devices and I.V. connectors; vacuum-tube blood collection devices; blood-drawing devices such as phlebotomy needles and tube holders, butterfly-type devices, and syringes; syringes used for purposes other than blood drawing; suture needles; scalpel devices; and any other category of device having a sharps injury risk. The evaluation committee must represent all services and medical specialties in the facility and be charged with developing and revising as necessary a written exposure control plan that (i) identifies effective existing needleless systems and sharps with engineered sharps injury protection, (ii) determines by means of objective product evaluation criteria when use of such devices could jeopardize patient or employee safety and is not indicated for specific medical procedures, and (iii) includes a procedure for maintaining a sharps injury record with entries for incident dates and times, type and brand of the involved sharp and whether the sharp had engineered sharps injury protection and the status of such engineered sharps injury protection at the time of the incident; a detailed description of the incident that includes the injured employee's position, the location in the facility in which the incident occurred, the relevant procedure, the anatomical location of the employee's injury, and an analysis of how the incident could have been prevented. The Safety and Health Codes Board is required to promulgate emergency regulations to implement this provision, i.e., within 280 days of its enactment.

Patron - Brink

FSB908 **Occupational health and safety; mold.** Creates a statutory scheme for identification and remediation of mold in occupational buildings, similar to the current statutory

scheme for asbestos remediation. The Safety and Health Codes Board is charged with developing regulations that determine a permissible exposure to mold that does not violate the safety and health of employees, and ensure the proper remediation of mold in occupational buildings. The Commissioner of Labor and Industry is authorized to receive complaints about mold, conduct inspections of buildings, investigate any complaints, hold hearings or institute legal proceedings to enforce the regulations. Building owners in violation of Board regulations may be guilty of a misdemeanor, charged with a fine of up to \$1,000 per violation, and subject to a civil penalty of up to \$25,000 per violation.

Patron - Miller, Y.B.

FSB1006 Virginia Whistleblower Act. Creates a statutory claim for employment discrimination against an employer who takes adverse action against an employee who refuses to engage in a criminal act or other act in violation of state law, or cooperates with a public agency conducting an investigation of an alleged violation of state law by the employer. The employee may not bring a claim unless he first discloses his concern to a supervisor and the supervisor has the opportunity to correct the problem. The court may order injunctive relief, reinstatement of the employee, or compensation for lost wages. The prevailing party may be entitled to reasonable attorneys' fees and costs. The Act does not apply to employees who have a written contract of employment or collective bargaining. The Act overturns the Supreme Court decision of *Bowman v. State Bank of Keysville*, and abrogates any common law rights or remedies for wrongful discharge.

Patron - Mims

FSB1289 Workplace privacy. Requires employers with 10 or more employees to notify employees prior to engaging in electronic monitoring. The bill provides limited restrictions on the power to engage in and the disclosure of material obtained through electronic monitoring. Employers are not required to give notice when they have reasonable grounds to believe that a particular employee is engaged in conduct that violates the law, the legal rights of the employer or the employer's employees, or creates a hostile workplace environment, and that electronic monitoring will produce evidence of this misconduct. The original version of this bill is a recommendation of the Joint Commission on Technology and Science.

Patron - Ticer

Libraries

Passed

PHB1509 State Networking Users Advisory Board. Abolishes the State Networking Users Advisory Board. The Board was created in the 1980s to enable integration of the library networking system between The Library of Virginia and other libraries across the state. The Board is no longer necessary because it has accomplished its objective. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Cox

PHB1510 State Public Records Advisory Council. Abolishes the State Public Records Advisory Council. The Council proposes to the State Library Board rules, regulations, and standards for the purpose of establishing uniform guide-

lines for the management and preservation of public records throughout the Commonwealth. The Council has not been able to function to the full capacity of its mission because its duties and responsibilities are vague and members have full-time positions with little time to become familiar with public recordkeeping issues. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Cox

Failed

FHB2138 Acceptable Internet use policies. Requires division superintendents and library boards and governing bodies of localities without library boards, in biennially filing their acceptable Internet use policies with the Superintendent of Public Instruction and the Librarian of Virginia, respectively, to include a report detailing all incidents in violation of such policies occurring in that biennium. The Superintendent and the Librarian of Virginia, in turn, are to transmit, along with their respective biennial policy summary reports to the Chairmen of the House Committee on Education, the House Committee on Science and Technology, and the Senate Committee on Education and Health, a report of such violations.

Patron - Brink

Mechanics' and Certain Other Liens

Passed

PHB1615 Mechanics' liens; 120-day affidavit. Adds "a signed statement attested to by a witness" as an alternative to the 120-day affidavit that the owner of residential real property must provide to the purchaser stating that all persons performing labor or furnishing materials in connection with any improvements on such property within 120 days prior to the date of settlement and with whom such owner is in privity of contract have been paid in full.

Patron - Albo

PHB1819 Perfection of lien by general contractor; recordation and notice. Requires a mechanic's lien claimant who is a general contractor to file along with the memorandum of lien a certification that he has mailed a copy of the memorandum of lien to the affected owner's last known address. Currently from the time of recording and indexing of the lien all persons are deemed to have notice of the lien.

Patron - Scott

PSB841 Lien for ambulance service. Increases from \$50 to \$200 the maximum lien that an ambulance service may have on the personal injury claim of the person to whom the ambulance service was provided, and incorporates the lien provisions for ambulance service into Title 8.01, Chapter 3, Article 7.1. The lien amount for ambulance service has not been amended since it was enacted in 1956.

Patron - Quayle

Military and Emergency Laws

Passed

PHB2816 Preparedness and Coordination Program. Adds the following to the requirements of the State Department of Emergency Management in its administration of emergency services and disaster preparedness programs: (i) coordinating with political subdivisions and state agencies to ensure that the Commonwealth has the most up-to-date assessments and preparedness plans to prevent, respond to and recover from disasters, including acts of terrorism; (ii) conducting a statewide emergency management assessment; and (iii) submitting to the Governor and to the General Assembly an annual report on the status of emergency management response plans. The bill also provides that the Department shall encourage private industries whose goods and services are deemed vital to the public good to provide annually updated preparedness assessments to the local coordinator of emergency management and requires political subdivisions to provide an annual emergency management assessment to the State Coordinator of Emergency Management.

Patron - Bolvin

PSB910 Rights, benefits and protections upon call to active duty. Provides that any right, benefit, or protection that may accrue to a member of the Virginia National Guard under the Federal Soldier's and Sailor's Civil Relief Act as a result of a call to federal active duty service under Title 10 of the United States Code shall be extended to a member of the Virginia National Guard called to active duty service under Title 32 of the United States Code, or to state active duty by the Governor, if the active duty orders are for a period of 30 consecutive days or more.

Patron - Wampler

Failed

FHB2570 Governor's emergency powers; closed captioning of emergency news. Gives the Governor the power to require any television broadcast station located in Virginia that is capable of providing closed captioning of live news broadcasts to provide such captioning of any news that may affect the health, safety or welfare of the deaf and hard-of-hearing citizens of the Commonwealth.

Patron - Darner

Mines and Mining

Passed

PHB1623 Mineral mining safety. Exempts scientific workers; delivery workers; customers, including commercial over-the-road truck drivers; vendors; and visitors from the training program requirements for miners.

Patron - Cox

PHB2465 Department of Mines, Minerals, and Energy permit fees. Increases the cost of permits and licenses issued by the Department of Mines, Minerals, and Energy. Twelve of the fees are set by statute, while two fees are set by regulation. The bill contains enactment clauses directing the Virginia Gas and Oil Board and the Department of Mines, Minerals, and Energy to increase those two fees and exempts those

regulatory amendments from the Administrative Process Act. This bill is identical to SB 1173.

Patron - Stump

PSB1173 Department of Mines, Minerals, and Energy permit fees. Increases the cost of permits and licenses issued by the Department of Mines, Minerals, and Energy. Twelve of the fees are set by statute, while two fees are set by regulation. The bill contains enactment clauses directing the Virginia Gas and Oil Board and the Department of Mines, Minerals, and Energy to increase those two fees and exempts those regulatory amendments from the Administrative Process Act. This bill is identical to HB 2465.

Patron - Puckett

PSB1308 Establishing trust for coal interests. Authorizes persons owning a majority interest in a tract of coal to petition the circuit court to establish a trust in those instances when not all the owners of the tract can be located or the owners are known but are unwilling to mine the coal. The proceeds of the leased coal will be placed in a trust and in the case of unknown owners held for five years and then disbursed under provisions of the Uniform Disposition of Unclaimed Property Act. For known owners unwilling to develop the coal, a trustee is empowered to escrow the proceeds of the lease until such time as the minority owner's claim is established to the satisfaction of the court.

Patron - Puckett

Motor Vehicles

Passed

PHB1377 Special license plates. Repeals authorization for issuance of special license plates for Eagle Scouts and public safety communications professionals; members of the Navy League, Virginia State Police Alumni, Inc., AHEPA; the 82nd Airborne Division Association, the Amateur Radio Emergency Service, and the National Society of Black Engineers; supporters of public schools, the Boy Scouts of America, and the Chincoteague Pony Association; bearing the legends "Hampton Roads" and "Virginia is for Lovers"; celebrating the history of Fairfax County; and commemorating the 300th anniversary of the City of Falls Church. These plates failed to meet the requirement of § 46.2-725 that at least 350 prepaid applications be received for them by the Department of Motor Vehicles within three years of authorization by the General Assembly.

Patron - Landes

PHB1385 Motor vehicle headlights, tail lights, brake lights, and license plate illumination. Relocates Code provisions allowing motorcycles to be equipped with at least one or more auxiliary brake lights of types approved by the Superintendent of State Police and requires every motorcycle to have no more than two tail lights and a device so mounted as to illuminate its license plate. The bill also requires that all motor vehicles (other than motorcycles) and trailers and semitrailers being drawn by other vehicles have two red tail lights and that motor vehicles, trailers, and semitrailers, but not certain antique motor vehicles, have at least two brake lights.

Patron - Landes

PHB1398 Enhanced enforcement of litter laws via driving privilege suspension and community service. Provides that any person who unlawfully dumps trash, garbage or litter on public or private property may have his driving privi-

leges suspended and may be ordered to perform community service.

Patron - Lingamfelter

PHB1406 Special license plates; supporters of certain programs for expectant mothers. Authorizes the issuance of special "revenue sharing" license plates bearing the legend: CHOOSE LIFE. These plates would be subject to an annual fee of \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations, \$15 would be paid annually to the locality in which the vehicle is registered and distributed to nongovernmental, not-for-profit agencies, that provide counseling and other services intended to meet the needs of expectant mothers who are committed to placing their children for adoption. No funds under this bill would be distributed to any agency that is involved or associated with abortion activities, including, but not necessarily limited to, counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising. No funds under this bill would be distributed to any agency that charges for services received.

Patron - Black

PHB1429 Motorcycle handlebars. Repeals provision that limits motorcycle handlebars to 15 inches above seat.

Patron - Janis

PHB1430 Determining speed of vehicle with various devices; certificate as to accuracy of device. Provides that in any court in which any question arises about the calibration or accuracy of any laser vehicle speed determination device, a certificate showing the calibration or accuracy of any method employed in calibrating or testing any laser is admissible as evidence. Currently, there is no specific provision for allowing laser calibrations into evidence. This bill incorporates HB 2298.

Patron - Albo

PHB1440 Vehicle registrations. Requires applicants for vehicle registrations to supply DMV with the street address of their residence.

Patron - Carrico

PHB1443 Sale or transfer of motor vehicle dealerships. Restricts, in the event of a proposed sale or transfer of a motor vehicle dealership, the conditions under which manufacturers and distributors have a right of first refusal by treating sale or transfer of a dealership to a limited liability company, corporation, or other entity controlled by a member or members of the family of one or more of the dealership's dealer owners.

Patron - Callahan

PHB1444 Reciprocity Board. Abolishes the Reciprocity Board. This bill incorporates HB 2176.

Patron - Amundson

PHB1457 Regulation of truck traffic on secondary highways. Requires the Commonwealth Transportation Board or its designee to act on formal requests from local governing bodies to restrict truck traffic on secondary highways within nine months of receipt of such requests. This bill incorporates HBs 1662 and 2709.

Patron - Reese

PHB1461 Visually impaired motorists. Allows certain state agencies to provide appropriate law-enforcement agencies with information regarding blind or otherwise visually impaired persons who continue to operate motor vehicles.

Patron - Wardrup

PHB1480 Secondary warning lights. Authorizes fire apparatus, government-owned vehicles operated on official business by a local fire chief or other local fire official, and rescue squad vehicles, ambulances, or any other emergency medical vehicles to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the vehicle's taillights or marker lights. These lights must be of a type approved by the Superintendent of State Police.

Patron - Cox

PHB1492 Special license plates, generally. Reduces from three years to two years the amount of time within which at least 350 prepaid applications for special license plates (except for those specifically exempted from this requirement) must be presented to DMV before those plates are issued. The bill also provides, subject to certain conditions, for the payment to the Department of an administrative fee of \$3,500 in lieu of presentation of any specific number of prepaid applications (and the terms under which such fee may be refunded). Specific provisions are also included to guide the General Assembly's consideration of legislation proposing the authorization of so-called "revenue sharing" special license plates.

Patron - Wardrup

PHB1521 Salvage vehicles; branded titles. Requires that the titles of both repaired and rebuilt vehicles be permanently branded to show that they are salvage vehicles. The bill also defines "repaired vehicle" as "any salvage vehicle that has had repairs less than the amount necessary to make it a rebuilt vehicle."

Patron - Hogan

PHB1553 Bicycles. Revises the definition of "bicycle" (as it applies to Title 46.2, Motor Vehicles) to eliminate references to pedals and seat height. The bill also provides definitions for "bicycle lane," "shared-use path," and "sidewalk"; revises where and how bicyclists are to ride on highways; allows transportation of children under six years old on bicycles if they are securely attached to the bicycle in a seat or a trailer designed for young children; and allows but does not require bicycles, electric power-assisted bicycles, and mopeds to display slow-moving vehicle emblems. This bill is identical to SB 1112.

Patron - Hargrove

PHB1560 Vehicle towing, recovery, and storage charges. Requires that fees charged for towing, recovery, and storage of trespassing vehicles be posted at the location where the vehicles are reclaimed. In lieu of posting, a written list of such fees may be provided, whether as part of a receipt or separately, to persons who reclaim the vehicles.

Patron - Orrock

PHB1593 Driver's license numbers. Eliminates optional use of social security numbers as driver's license numbers for licenses issued or renewed on or after July 1, 2003.

Patron - Byron

PHB1641 Commercial vehicles stopped on highway roadways or shoulders. Requires that whenever any commercial motor vehicle (as defined in § 46.2-341.4) is stopped on any roadway shoulder of any highway in the Commonwealth at any time for any cause other than stops necessary to comply with traffic control devices, lawfully installed signs, or signals of law-enforcement officers, the operator of such vehicle must immediately activate the vehicular hazard warning signal flashers and as soon as possible, but in any event within 10 minutes of stopping, place or cause to be placed on

the roadway or shoulder three red reflectorized triangular warning devices of a type approved by the Superintendent of State Police. One of the red reflectorized triangular warning devices must be placed in the center of the lane of traffic or shoulder occupied by the stopped vehicle and not less than 100 feet therefrom in the direction of traffic approaching in that lane, a second not less than 100 feet from such vehicle in the opposite direction and a third at the traffic side of such vehicle not closer than ten feet from its front or rear. However, if such vehicle is stopped within 500 feet of a curve or crest of a hill, or other obstruction to view, the red reflectorized triangular warning devices in that direction must be so placed as to afford ample warning to other users of the highway, but in no case less than 500 feet from the vehicle. Vehicular hazard warning signal flashers must continue to flash until the operator has placed the three red reflectorized triangular warning devices required in this subsection. The placement of red reflectorized triangular warning devices is not required within the corporate limits of cities unless, during the time which lights are required to be illuminated on motor vehicles by § 46.2-1030, the street or highway lighting is insufficient to make such vehicle clearly discernible at a distance of 500 feet to a person on the highway. Flares or torches of a type approved by the Superintendent may be used in lieu of red reflectorized warning devices. In the event that the operator of the stopped vehicle elects to use flares or torches in lieu of red reflectorized triangular warning devices, the operator must ensure that at least one flare or torch remains lighted at each of the prescribed locations as long as the vehicle is stopped. If gasoline or any other flammable liquid or combustible liquid or gas seeps or leaks from a fuel container or a commercial motor vehicle stopped upon a highway, no emergency warning signal producing a flame is to be lighted or placed except at such a distance from any such liquid or gas as will ensure the prevention of a fire or explosion. The exception provided in this bill with respect to highways within the corporate limits of cities will not apply to any portion of any interstate highway within the corporate limits of any city. If any such vehicle is used for the transportation of flammable liquids in bulk, whether loaded or empty, or for transporting inflammable gases, red reflectorized triangular warning devices or red electric lanterns of a type approved by the Superintendent of State Police must be used. Such reflectors or lanterns must be lighted and placed on the roadway.

Patron - Marshall, R.G.

PHB1657 Special license plates. Authorizes the issuance of revenue-sharing special license plates: Virginia is for Lovers; supporters of the National D-Day Memorial Foundation; commemorating the thirtieth anniversary of Secretariat's winning of horse racing's Triple Crown; supporters of Seton House; supporters of the Interdenominational Children's Foundation of Virginia; and Cold War veterans; fees.

Patron - Putney

PHB1677 Flashing of headlights on certain vehicles. Allows emergency vehicles in Chesapeake, Poquoson, and York County to use flashing headlights whenever their warning lights are activated. Under current law, they cannot use flashing headlights at night. This bill expires on July 1, 2005.

Patron - Rapp

PHB1680 "Out-of-service" inspections. Allows specialty trained law-enforcement officers of any locality to perform "out-of-service" inspections. This bill incorporates HBs 2018, 1557, and 1500 and is identical to SB 712.

Patron - Rapp

PHB1681 Prepayment of fines for violations of speed limits. Provides that the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for prepayment

of fines must, in all instances where prepayment of a fine is permitted, include a fine of five dollars per mile-per-hour in excess of posted speed limits other than those for school crossings under § 46.2-8734, highway work zones under § 46.2-878.1, and certain residence zones under § 46.2-878.2. For these three situations, the Traffic Infractions and Uniform Fine Schedule must include a fine of more than five dollars per mile-per-hour in excess of posted speed limits.

Patron - McDougale

PHB1730 Regulation of parking. Allows Fairfax and Prince Williams Counties, by ordinance, to regulate or prohibit the parking of various classes of vehicles. This bill incorporates HBs 2574 and 2286.

Patron - Albo

PHB1733 Speeding in highway work zones. Increases the maximum fine for speeding in a highway work zone from \$250 to \$500.

Patron - Rollison

PHB1735 Special license plates. Authorizes the issuance of special license plates: members of the Air Force Association; seals, or localities; members of Job's Daughters; members of the Police Benevolent Association; medical doctors; teachers; Virginia's coal mining heritage; Langley Air Force Base; supporters of the Washington Capitals hockey team; members and supporters of the YMCAs of Virginia; members of the Izaak Walton League; celebrating the members and achievements of the Civilian Conservation Corps; the national motto: "In God We Trust"; and multiple sclerosis.

Patron - Rollison

PHB1786 Provisional drivers' licenses. Specifies that a violation of the curfew or passenger restrictions of a provisional driver's license is a traffic infraction and that for a second or subsequent violation the court may suspend the juvenile's privilege to drive for up to six months. Provisional drivers' licenses are initial licenses issued to persons less than 18 years of age and the drivers are restricted in the number of child passengers they may carry and the hours during which they may drive. This bill was recommended by the Committee on District Courts.

Patron - Kilgore

PHB1902 All-terrain vehicles. Allows limited over-the-road operation of all-terrain vehicles in Buchanan County.

Patron - Stump

PHB1903 Oversize and overweight vehicles. Transfers truck oversize and overweight permitting from the Department of Transportation to the Department of Motor Vehicles.

Patron - Stump

PHB1904 Overweight permits for certain trucks. Increases the distance that coal trucks traveling under overweight permits may travel from 35 miles to 85 miles. This bill includes an emergency clause.

Patron - Stump

PHB1911 Traffic infractions; penalty. Increases the general maximum penalty for traffic infractions to make it the same as the general maximum penalty for Class 4 misdemeanors (fine up to \$250.00).

Patron - Almand

PHB1943 Towing. Exempts tow trucks towing vehicles by means of a wheel lift apparatus from requirements to have a drawbar and safety chain.

Patron - Drake

PHB1944 License suspensions for failure to pay judgments. Allows a person whose driving privileges, registration certificates, and license plates have been suspended for nonpayment of a judgment to petition the court for reinstatement. The court may order reinstatement even if the judgment has not been satisfied and no longer may be enforced, if (i) the judgment creditor cannot be found and if his heirs cannot be found, and (ii) the judgment debtor has paid into the court an amount equal to the judgment, court costs and all interest. The court is to hold any such payments for one year. If the payment is not claimed by the judgment creditor during that period, the court shall transmit the payments to the State Treasurer or his designee to be disposed of in accordance with the State Unclaimed Property Fund (Chapter 11.1 of Title 55).

Patron - Drake

PHB1954 Obtaining driver's licenses, special identification cards, etc.; legal presence in the US; fraudulent representation; penalty. Makes it Class 6 felony to obtain any document issued by the Department of Motor Vehicles (DMV) through the use of counterfeit, forged, or altered documents (unless the violation includes obtaining or possessing the documents for the purpose of engaging in an age-limited activity, in which case the violation is a Class 2 misdemeanor). The bill also provides that DMV will not issue an original license, permit, or special identification card to any applicant who has not presented with his application documentary evidence that he is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States. An applicant who presents in person valid documentary evidence of (a) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (b) a pending or approved application for asylum in the United States, (c) entry into the United States in refugee status, (d) a pending or approved application for temporary protected status in the United States, (e) approved deferred action status, or (f) a pending application for adjustment of status to legal permanent residence status or conditional resident status, may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. Any temporary license, permit, or special identification card issued pursuant to this subsection is required to clearly indicate that it is temporary and state the date that it expires. Such a temporary license, permit or identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary license, permit or special identification has been extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. Applications for renewal, duplication, or reissuance of licenses and special identification cards will be presumed to have been validly issued, provided that, at the time the application is made, the license has not expired, or been cancelled, suspended or revoked. The bill finally requires that driver's license endorsements by the DMV including the issue, reissue, or renewal authorizing a driver to operate a vehicle transporting hazardous materials must comply with the requirements of USA Patriot Act of 2001. The bill becomes effective on January 1, 2004, except that the provisions relating to the Patriot Act become effective on July 1, 2004. On or before December 1, 2003, DMV must report to the General Assembly the content of regulations that the Department of Motor Vehicles intends to promulgate to carry out the provisions of this act. This bill is identical to SB1058.

Patron - Albo

PHB1962 Commercial driver's licenses; hazardous materials endorsement. Meets the requirements of the U.S.A. Patriot Act of 2001 which, in part, prohibits issuance by states of commercial driver's licenses with hazardous materials endorsements unless the U.S. Secretary of Transportation certifies that the applicant poses no security risk. This bill is the same as SB 1225.

Patron - Cosgrove

PHB1995 Vehicles used in harvesting. Requires certain vehicles validly registered in other states and used in conjunction with harvesting operations to pay \$100 prior to being issued an exemption permit under § 46.2-668.

Patron - Bloxom

PHB2016 Residential subdivisions. Allows local governing bodies that have adopted ordinances under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 to require, as a part of such land use regulations for residential subdivisions employing roadways and parking areas not in public ownership, the posting and maintenance of signs or other appropriate markings regulating the operation and parking of motor vehicles and pedestrian traffic.

Patron - Bell

PHB2110 Damaging highway signs; penalty. Provides that if a person intentionally damages any legally posted highway sign, he is guilty of a Class 1 misdemeanor. This bill incorporates HB 2014.

Patron - Barlow

PHB2150 Department of Motor Vehicles (DMV) to provide self-service options to customers. Allows DMV to provide, at its offices, self-service options that will provide customers with access to the Department's Internet transactions for persons who would prefer to transact their business with the Department via the Internet.

Patron - Rust

PHB2153 Motor vehicle fees. Amends the statutes that authorize the Department of Motor Vehicles to charge vehicle fees for passenger and property carriers. This bill modifies these statutes to clarify the purpose of motor carrier vehicle fees and identify the entities that must pay these fees.

Patron - Rust

PHB2174 Safety inspection approval stickers; motorcycles. Allows display of safety approval stickers on plates securely fastened to motorcycles for that purpose.

Patron - Phillips

PHB2257 Driver's licenses for persons less than 18 years old. Limits the number of less-than-18-year-old passengers allowed in a vehicle operated by a driver less than 18 years old to one for the first year of licensure, and thereafter three until the driver turns 18.

Patron - Watts

PHB2269 Regulation of parking by localities. Allows all localities to regulate parking. This bill is identical to SB 1220.

Patron - Rust

PHB2329 Funeral processions. Allows all vehicles traveling in escorted or unescorted funeral processions to display high beam headlights and flash all four turn signals or hazard lights.

Patron - Bland

PHB2404 Driver education. Provides for teaching the behind-the-wheel portion of driver education by home schooling parents.

Patron - Oder

PHB2479 Laser speed determination devices. Allows all localities to use laser speed determination devices.

Patron - Oder

PHB2483 Motor vehicles; failure to pay parking citations. Extends the power of the Commissioner of the Department of Motor Vehicles to refuse to renew motor vehicle registrations when an owner of a vehicle owes delinquent parking citations to the locality where it is registered. This bill does not apply to rental vehicles and expires on July 1, 2005.

Patron - Tata

PHB2502 Motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers. Authorizes Virginia-licensed motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers to act as agents of the Department of Motor Vehicles for the purpose of renewing the registration of any Virginia-registered vehicle.

Patron - Griffith

PHB2504 Disabled parking. Treats persons with disabilities that create a concern for safety while walking (Alzheimer's patients, etc.) the same as mobility-impaired persons for purposes of issuance of disabled parking placards.

Patron - Griffith

PHB2521 Equipment Dealers Protection Act. Clarifies that a notice and right to cure a deficiency is not required if a supplier terminates an agreement for good cause.

Patron - Morgan

PHB2604 Motor Vehicle Transaction Recovery Fund. Allows motor vehicle dealers and salespersons to be bonded instead of participating in the Motor Vehicle Transaction Recovery Fund.

Patron - Bryant

PHB2674 Driver's license expirations. Provides that driver's licenses will expire on the applicant's birthday, rather than on the last day of the month in which he was born.

Patron - May

PHB2681 Motorcycle dealers. Deems all-terrain vehicles and off-road motorcycles to be motorcycles for the purpose of Chapter 19.2 (Motorcycle Dealers) of Title 46.2 (Motor Vehicles) of the Code of Virginia. Dealers who sell only all-terrain vehicles or off-road motorcycles, however, are excluded from application of the chapter. Manufacturers of all-terrain vehicles and off-road motorcycles are exempted for licensure as motorcycle dealers. The bill also clarifies procedures to be followed in handling protests under the motorcycle dealer franchise law.

Patron - Abbitt

PHB2685 Flashing red or red and white warning lights. Allows vehicles of local Departments of Emergency Management to be equipped with flashing red or red and white warning lights.

Patron - Ware

PHB2708 Special license plates; Special Forces Association. Authorizes the issuance of special license plates to members of the Special Forces Association. These plates would be exempt from the minimums specified in § 46.2-725,

but would not be issued unless and until the DMV Commissioner receives at least 50 prepaid applications for them and a one-time fee in an amount adequate to offset the normal costs associated with production of special license plates.

Patron - Hugo

PHB2720 Vehicle dealers; on-line system filing fees; manual transaction fees. Provides for collection of on-line filing fees from motor vehicle dealers who use a remote electronic filing system, approved by the Department of Motor Vehicles, to obtain a certificate of title or registration for the purchaser of a vehicle and for the collection of manual transaction fees (for manual transactions in excess of 10 transactions per month) from certain dealers who do not use a remote electronic filing system. Provisions of this bill dealing with manual transaction fees do not become effective until December 31, 2003.

Patron - Rollison

PHB2745 Hearing or speech impaired drivers. Provides that, when so requested by the licensee and confirmed by a physician's statement, a driver's license may indicate that its holder is hearing or speech impaired.

Patron - Marshall, D.W.

PHB2767 Department of Motor Vehicles (DMV); The Library of Virginia. Provides for a partnership between DMV and The Library of Virginia to promote use of public library Internet access terminals to complete on-line transactions with the Department.

Patron - Brink

PHB2795 Red warning lights. Allows vehicles owned or used by police chaplains to be equipped with red warning lights. These lights could be used only when responding to emergency calls. Only chaplains who have passed a course in operation of a motor vehicle under emergency conditions may use these lights.

Patron - Janis

PHB2797 Overweight permits; specialized mobile equipment. Provides for the issuance of overweight permits for specialized mobile equipment.

Patron - Stump

PHJ685 Improvement in project and cash-flow management in Department of Transportation. Requests the Commonwealth Transportation Commissioner to report to the General Assembly on actions taken to improve project and cash-flow management within the Department of Transportation and improvements achieved as the result of such actions.

Patron - Oder

PSB711 Red or red and white flashing warning lights. Allows vehicles used by security personnel of the Winchester Medical Center to be equipped with flashing red or red and white warning lights.

Patron - Potts

PSB712 "Out-of-service" inspections. Allows specially trained law-enforcement officers of all localities to perform "out-of-service" inspections. This bill incorporates SBs 1260 and 716 is identical to HB 1680.

Patron - Potts

PSB721 "Photo-toll" program. Enhances penalties associated with failure to pay a required toll for using a toll facility using a "photo-toll" toll payment enforcement system and explicitly allows the use of "photo-toll" systems on non-VDOT toll facilities. The bill provides a mechanism by which

penalties can be assessed against operators of rented and leased vehicles.

Patron - Blevins

PSB724 Bicycle racks on buses. Permits installation of bicycle racks on the fronts of buses operated by cities, counties, transit authorities, transit districts, or transportation districts.

Patron - Deeds

PSB744 Green warning lights. Allows use of green warning lights on incident command vehicles.

Patron - O'Brien

PSB782 Tables of speed and stopping distances. Requires courts to take notice that the table was constructed using scientific reasoning to provide factfinders with an average baseline for motor vehicle stopping distances. Site-specific research may be used under any circumstances.

Patron - Deeds

PSB816 License suspension. Requires the clerk to mail notice of a license suspension within five days of the court's order as opposed to the two days required under current law.

Patron - Norment

PSB1058 Obtaining driver's licenses, special identification cards, etc.; legal presence in the US; fraudulent representation; penalty. Makes it Class 6 felony to obtain any document issued by the Department of Motor Vehicles DMV through the use of counterfeit, forged, or altered documents (unless the violation includes obtaining or possessing the documents for the purpose of engaging in an age-limited activity, in which case the violation is a Class 2 misdemeanor). The bill also provides that DMV will not issue an original license, permit, or special identification card to any applicant who has not presented with his application documentary evidence that he is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States. An applicant who presents in person valid documentary evidence of (a) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (b) a pending or approved application for asylum in the United States, (c) entry into the United States in refugee status, (d) a pending or approved application for temporary protected status in the United States, (e) approved deferred action status, or (f) a pending application for adjustment of status to legal permanent residence status or conditional resident status, may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. Any temporary license, permit, or special identification card issued pursuant to this subsection is required to clearly indicate that it is temporary and state the date that it expires. Such a temporary license, permit or identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary license, permit or special identification has been extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. Applications for renewal, duplication, or reissuance of licenses and special identification cards will be presumed to have been validly issued, provided that, at the time the application is made, the license has not expired, or been cancelled, suspended or revoked. The bill finally requires that driver's license endorsements by the DMV including the issue, reissue, or renewal authorizing a driver to

operate a vehicle transporting hazardous materials must comply with the requirements of USA Patriot Act of 2001 The bill becomes effective on January 1, 2004, except that the provisions relating to the Patriot Act become effective on July 1, 2004. On or before December 1, 2003, DMV must report to the General Assembly the content of regulations that the Department of Motor Vehicles intends to promulgate to carry out the provisions of this act. This bill is identical to HB 1954.

Patron - O'Brien

PSB1074 Golf carts. Allows operation of golf carts on the public highways in the Town of Cape Charles if the golf carts display slow-moving vehicle emblems, are operated by licensed drivers, and are not operated on Virginia Route 184 east of Fulcher Street. The Town Council of the Town of Cape Charles may, by ordinance, impose additional limitations and restrictions on the operation of golf carts on the public highways within the Town.

Patron - Rerras

PSB1112 Bicycles. Revises the definition of "bicycle" (as it applies to Title 46.2, Motor Vehicles) to eliminate references to pedals and seat height. The bill also provides definitions for "bicycle lane," "shared-use path," and "sidewalk"; revises where and how bicyclists are to ride on highways; allows transportation of children under six years old on bicycles if they are securely attached to the bicycle in a seat or a trailer designed for young children; and allows but does not require bicycles, electric power-assisted bicycles, and mopeds to display slow-moving vehicle emblems. This bill is identical to HB 1553.

Patron - Whipple

PSB1161 Parking. Grants Arlington County the same ability as Fairfax and Prince William Counties to regulate or prohibit the parking, on any public highway in the county, of watercraft, boat trailers, motor homes, and camping trailers.

Patron - Ticer

PSB1181 Excursion trains. Adds Buchanan County, by population, to the list of counties in which a person may predominantly operate an excursion train and be certified as an excursion train operator by the Department of Motor Vehicles. Excursion trains are passenger trains primarily used for tourism or public service, and that lead to the promotion of the tourist industry in the Commonwealth. Certified operators must carry at least \$10 million in liability insurance for injuries to persons or property and cannot also own or operate a regularly scheduled passenger train service with interstate connection.

Patron - Puckett

PSB1190 Youthful drivers. Allows persons under 18 whose driver's licenses have been suspended for a second moving violation to obtain restricted licenses to drive to and from work if there is no other means of transportation by which they can travel to and from work.

Patron - Wagner

PSB1220 Parking. Allows localities to regulate parking within their boundaries. This bill is identical to HB 2269.

Patron - Williams

PSB1225 Commercial driver's licenses; hazardous materials endorsement. Meets the requirements of the U.S.A. Patriot Act of 2001 which, in part, prohibits issuance by states of commercial driver's licenses with hazardous materials endorsements unless the U.S. Secretary of Transportation certi-

fies that the applicant poses no security risk. This bill is identical to HB 1962.

Patron - Williams

PSB1230 Special license plates. Authorizes several new series of special license plates: members of city councils; members of town councils; members and former members of the 3rd Infantry Regiment ("Old Guard"); supporters of the Mariners' Museum; persons who are emergency medical technicians and paramedics; persons who are both emergency medical technicians or paramedics and firefighters; military parachutists; members of the Special Forces Association; Virginia's coal mining heritage; members of the Air Force Association; supporters of the Children's Hospital of the King's Daughters; Virginia certified hunter education instructors; members and supporters of the Urban League of Hampton Roads; historic covered bridges; supporters of the Leukemia and Lymphoma Society; Friends of Tibet; and supporters of St. Jude Children's Research Hospital.

Patron - Williams

PSB1263 Courier vehicles. Exempts courier vehicles from regulation as motor carriers of property.

Patron - Bolling

PSB1276 Department of Motor Vehicles (DMV); customer service pilot project. Establishes a pilot project whereby private business entities perform certain customer transactions with the DMV on behalf of business companies, firms, and corporations.

Patron - Wagner

PSB1337 Collection of local license fees by Department of Motor Vehicles (DMV). Provides that, when DMV collects local vehicle license fees under an agreement with a locality, the fees received by DMV will be deposited in a fiduciary account and interest on the account will accrue to the benefit of the locality. The bill includes an emergency clause.

Patron - Rerras

Failed

FHB1374 Special license plates; commemoration of the thirtieth anniversary of Secretariat's winning of horse racing's Triple Crown; fees. Authorizes the issuance of "revenue sharing" special license plates to commemorate the thirtieth anniversary of Secretariat's winning of horse racing's Triple Crown. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Secretariat Museum Foundation to assist in the creation and operation of the Secretariat Museum. This bill is incorporated into HB 1657.

Patron - McDougale

FHB1388 Special license plates; Veterans of Foreign Wars. Reauthorizes issuance of special license plates for members of the Veterans of Foreign Wars. These license plates were originally authorized by the 1996 Session of the General Assembly, but the authorization was repealed by the 2000 Session when 350 prepaid applications were not received by the Department of Motor Vehicles within three years of authorization as required by § 46.2-725.

Patron - Lingamfelter

FHB1389 Special license plates; members of the American Legion. Reauthorizes issuance of special license plates for members of the American Legion by repealing

authorization in § 46.2-746.4 and granting new authorization in § 46.2-746.4:01. These plates were authorized by the 1995 Session of the General Assembly, but fewer than 100 sets of these plates are still in use. This reauthorization will enable the Department of Motor Vehicles to accept new applications for these plates.

Patron - Lingamfelter

FHB1395 Special license plates; supporters of scholastic rowing; fees. Authorizes the issuance of "revenue sharing" special license plates to supporters of scholastic rowing. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Scholastic Rowing Fund and be paid out annually in equal amounts to secondary educational institutions that in the preceding 12 months had scholastic rowing programs and applied for receipt of funds from the Scholastic Rowing Fund. Proceeds from the Fund are to be used exclusively to supplement the salaries of coaches involved with scholastic rowing programs.

Patron - Lingamfelter

HB1407 Special license plates; members of the Izaak Walton League. Authorizes the issuance of special license plates to members of the Izaak Walton League. This bill is incorporated into HB 1735.

Patron - Black

FHB1410 Vehicle registrations; voluntary contributions to Jamestown 400th anniversary commemoration. Requires that any form used in applying for the registration of a vehicle or renewal of any such registration include language permitting the applicant to make a voluntary contribution of two dollars to support a special license plate program and other activities in commemoration of the 400th anniversary of Jamestown Settlement in 2007. These provisions would expire on July 1, 2008.

Patron - Cosgrove

FHB1416 Special license plates; Sons of Confederate Veterans. Removes the prohibition on display of the organization's logo on Sons of Confederate Veterans special license plates.

Patron - Black

FHB1417 Motor vehicle emissions inspections. Exempts vehicles of the five most recent model years from emissions inspections.

Patron - Black

FHB1423 Safety inspections. Exempts vehicles manufactured for the five most recent model years from safety inspections. This exemption does not, however, apply to inspections required to be preformed by dealers prior to sale of any vehicle.

Patron - Black

FHB1428 Vehicle license plates. Provides for only one license plate on registered vehicles.

Patron - Louderback

FHB1432 Passing school buses. Provides that failure to stop for a school bus displaying flashing warning lights on any highway or school driveway for the purpose of preparing to stop to take on or discharge passengers is reckless driving.

Patron - Louderback

FHB1436 Eluding police. Provides that if 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 and causes an injury or death he is guilty of a Class 5 felony.

Patron - Cosgrove

FHB1438 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 - Cosgrove

FHB1439 Special license plates; medical doctors. Authorizes the issuance of special license plates to medical doctors. This bill is incorporated into HB 1735.

Patron - Cosgrove

FHB1445 Special license plates; members and achievements of the Civilian Conservation Corps. Authorizes the issuance of special license plates commemorating the members and achievements of the Civilian Conservation Corps. This bill is incorporated into HB 1735.

Patron - Louderback

FHB1452 Special license plates; supporters of Seton House; fees. Authorizes the issuance of "revenue sharing" special license plates to supporters of Seton House. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to Seton House for support of its programs and activities in Virginia. This bill is incorporated into HB 1657.

Patron - Purkey

FHB1462 Special license plates; teachers. Authorizes the issuance of special license plates for teachers. This bill is incorporated into HB 1735.

Patron - Wardrup

FHB1465 Special license plates; Job's Daughters. Authorizes the issuance of special license plates for members of Job's Daughters. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 1735.

Patron - Ingram

FHB1483 Special license plates; national motto. Authorizes the issuance of special license plates bearing the national motto: "IN GOD WE TRUST." This bill is incorporated into HB 1735.

Patron - Byron

FHB1500 "Out-of-service" inspections. Adds Fauquier County to the list of localities whose specially trained law-enforcement officers are authorized to perform "out-of-service" inspections.

Patron - Lingamfelter

FHB1534 Driver's licenses. Increases from a Class 2 misdemeanor (jail for up to six months and/or a fine up to \$1,000) to a Class 6 felony (one to five years in prison or up to 12 months in jail and/or a fine up to \$2,500) the penalty for giving a false or fictitious name or giving a false or fictitious address, or knowingly making a false statement or concealing a material fact or otherwise committing fraud in a driver's license application. The present Class 4 felony penalty for using a driver's license or concealing a fact or committing fraud with the intent to purchase a firearm remains unchanged.

Patron - Janis

FHB1557 "Out-of-service" inspections. Allows specially trained law-enforcement officers of the Town of Gordonsville to perform "out-of-service" inspections.

Patron - Broman

FHB1565 Cases involving a child who is charged with a traffic infraction. Allows the court to refer the child to any suitable community driver safety program as part of the punishment for the offense or as a condition of probation or deferred disposition.

Patron - Callahan

FHB1573 Special license plates; supporters of the Children's Hospital of the King's Daughters. Authorizes the issuance of special license plates to supporters of the Children's Hospital of the King's Daughters. This bill is incorporated into HB 1735.

Patron - Hamilton

FHB1585 Vehicle registrations; voluntary contributions to Jamestown 400th anniversary commemoration. Requires that any form used in applying for the registration of a vehicle or renewal of any such registration include language permitting the applicant to make a voluntary contribution of two dollars to support a special license plate program and other activities in commemoration of the 400th anniversary of Jamestown Settlement in 2007. These provisions would expire on July 1, 2008.

Patron - Cole

FHB1613 Pedestrians. Provides that no pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle that is so close that it is impossible for the driver to stop before colliding with the pedestrian. The bill also requires the drivers to stop and remain stopped to allow a pedestrian to cross the highway and prohibits drivers of other vehicles approaching the stopped vehicle from the rear from overtaking and passing the stopped vehicle.

Patron - Darner

FHB1632 "Photo-toll" program. Enhances penalties associated with failure to pay a required toll for using a toll facility using a "photo-toll" toll payment enforcement system and explicitly allows the use of "photo-toll" systems on non-VDOT toll facilities. The bill also requires that if a vehicle owner submits an affidavit that he was not the operator of the vehicle as to which no toll was paid, he must identify the operator and provides a mechanism by which penalties can be assessed against operators of rented and leased vehicles.

Patron - Cosgrove

FHB1637 Motor vehicle liability insurance. Provides that the minimum public liability financial responsibility requirements for operators of vans with a capacity of at least seven but not more than 14 passengers, exclusive of the driver, when those passengers are related to one another by blood or marriage shall be \$350,000 and the minimum cargo insurance required for such vehicles shall be \$5,000.

Patron - Weatherholtz

FHB1642 Motor fuel tax stickers. Requires the Department of Motor Vehicles to supply businesses engaged in the retail sale of motor fuels in Virginia stickers indicating the federal, state, and other taxes included in the price of a gallon of motor fuel. The bill also requires motor fuel retailers to display these stickers on their fuel pumps. Failure to display the

stickers as required is punishable as a misdemeanor with a maximum fine of \$25.

Patron - Marshall, R.G.

FHB1659 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

FHB1670 Motorcycle passengers. Prohibits transportation of passengers less than six years old on motorcycles.

Patron - Orrock

FHB1687 Television receivers and video monitors in motor vehicles. Expands the current prohibition on having television receivers in motor vehicles within view of the driver to include video monitors as well. The bill also provides that any vehicle equipped with a television receiver or other video monitor forward of the driver's seat or the screen of which would otherwise be visible to the driver while driving the vehicle will not be issued a Virginia motor vehicle safety inspection approval sticker or be registered in Virginia until such television receiver or other video monitor is removed or permanently disabled. Any person in Virginia who installs any device or equips any vehicle in violation of these provisions will be liable for the cost of removal of the unlawful equipment on demand of the vehicle's registered owner.

Patron - Landes

FHB1689 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

FHB1696 Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities.

Patron - McQuigg

FHB1728 Speed limits; enforcement using photo-radar technology. Allows state police officers (and law-enforcement officers of localities where authorized by ordinance) to use photo-radar technology, operated by law-enforcement officers, to enforce speed limits. Violators would be subject to a civil penalty calculated as provided for in the Rules of the Supreme Court of Virginia for a speeding violation.

Patron - Albo

FHB1745 Farm vehicles. Eliminates travel distance limitations on farm vehicles exempt from registration.

Patron - McDougle

FHB1771 Local vehicle licenses. Provides for issuance of special local vehicle licenses with fees that include a voluntary contribution used to support local school athletic programs and activities.

Patron - Nutter

FHB1780 License plate covers. Authorizes use of colorless, transparent glass or plastic to cover vehicle license plates.

Patron - Miles

FHB1802 Removal and disposition of unattended or immobile vehicles. Provides that if the owner of the unattended or immobile vehicle fails or refuses to pay the cost or removal and storage of his vehicle or if his identity or where-

abouts is unknown and unascertainable after 180 days, the vehicle can be treated as abandoned.

Patron - Carrico

FHB1804 Vehicles registered as farm vehicles. Provides that registration of a vehicle as a farm vehicle does not prohibit use of such a vehicle for nonfarm purposes.

Patron - Carrico

FHB1848 Motorcycles; helmets. Limits the application of the "motorcycle helmet law" to operators and passengers less than 21 years old, and provides that a citation for a violation of the provisions requiring the operator or passenger to wear a protective helmet may not be issued unless the officer has another reason to stop the vehicle or arrest the driver.

Patron - Lingamfelter

FHB1878 Pedestrians. Allows Fairfax County, counties and cities adjoining Fairfax County, and towns within Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill do not apply to intersections controlled by traffic lights.

Patron - Amundson

FHB1882 "Photo-toll" program. Enhances penalties associated with failure to pay a required toll for using a toll facility using a "photo-toll" toll payment enforcement system and explicitly allows the use of "photo-toll" systems on non-VDOT toll facilities. The bill also requires that if a vehicle owner submits an affidavit that he was not the operator of the vehicle as to which no toll was paid, he must identify the operator and provides a mechanism by which penalties can be assessed against operators of rented and leased vehicles.

Patron - Suit

FHB1909 Special license plates; supporters of the Washington Capitals hockey team. Authorizes the issuance of special license plates for supporters of the Washington Capitals hockey team. This bill is incorporated into HB 1735.

Patron - Almand

FHB1910 Driving while distracted. Prohibits engaging in any distracting activity while driving. "Distracting activity" is defined as responding to events, persons, or objects inside or outside the motor vehicle that are not related to the safe operation of the vehicle. This includes, but is not limited to: personal grooming, food or beverage consumption, use of an electronic device, reading, and interacting with passengers or pets.

Patron - Almand

FHB1938 Motorcycle helmets. Exempts motorcyclists operating on scenic highways and Virginia byways from the motorcycle helmet law. The bill also makes failure to wear a required helmet a "secondary offense" (like failure to wear a safety belt).

Patron - Nixon

FHB1983 Vehicle weighing. Allows the Commissioner of the Department of Motor Vehicles to enter into agreements with Fauquier, Frederick, and Warren Counties to provide for training and authorization to enable the counties' sheriff's department personnel to carry out vehicle weighing functions at the Department's motor carrier service centers in such counties.

Patron - Athey

FHB2005 Child restraint devices. Amends the law requiring the use of child restraint devices for children less

than six years old who are being transported in motor vehicles by striking the exception that allows the transportation of unrestrained children in the rear cargo area of vehicles other than pickup trucks.

Patron - Bell

FHB2014 Damaging highway signs. Makes purposely damaging, knocking down, or destroying lawfully posted highway signs a Class 1 misdemeanor (jail up to 12 months and/or fine up to \$2,500) instead of a Class 2 misdemeanor (jail up to six months and/or a fine up to \$1,000). This bill is incorporated into HB 2110.

Patron - Bell

FHB2015 Determining speed of motor vehicles. Eliminates the distinction between State Police officers and local law-enforcement officers in use of radar, laser, and VAS-CAR speed determination devices.

Patron - Bell

FHB2018 "Out-of-service" inspections. Adds Albemarle County to the list of localities whose specially trained law-enforcement officers are authorized to perform "out-of-service" inspections.

Patron - Bell

FHB2023 Special license plates; Virginia scuba divers. Reauthorizes issuance of special license plates for Virginia scuba divers. Previous legislation authorizing these plates was repealed by the 2002 Regular Session.

Patron - Bell

FHB2080 Special license plates; members of the Police Benevolent Association. Authorizes the issuance of special license plates to members of the Police Benevolent Association. This bill is incorporated into HB 1735.

Patron - Gear

FHB2085 Rebuilt vehicles; inspections. Increases the fee for inspection of repaired and rebuilt vehicles from a fee not to exceed \$25 per vehicle to a fee of \$85 per vehicle.

Patron - Abbitt

FHB2088 Oversize and overweight vehicle permits. Provides that oversize or overweight permits will not be required for the operation of vehicles more than 65 feet long if such vehicles are either (i) being used to transport Virginia-grown agricultural products or (ii) traveling to take on a cargo of Virginia-grown agricultural products or traveling on a return trip after having delivered a cargo of Virginia-grown agricultural products.

Patron - Abbitt

FHB2133 Special license plates; Langley Air Force Base. Authorizes the issuance of special license plates bearing the legend: LANGLEY AIR FORCE BASE. This bill is incorporated into HB 1735.

Patron - Gear

FHB2137 Vehicle registrations; voluntary contributions to Jamestown 400th anniversary commemoration. Requires that any form used in applying for the registration of a vehicle or renewal of any such registration include language permitting the applicant to make a voluntary contribution of two dollars to support a special license plate program and other activities in commemoration of the 400th anniversary of Jamestown Settlement in 2007. These provisions would expire on July 1, 2008.

Patron - Brink

FHB2149 Discounts on certain transactions with the Department of Motor Vehicles (DMV). Provides a schedule of discounts to be offered by DMV in connection with transactions performed by customers using the Internet, telephone, or mail.

Patron - Rust

FHB2173 Special license plates; coal mining heritage. Authorizes the issuance of special license plates celebrating Virginia's coal mining heritage. This bill is incorporated into HB 1735.

Patron - Phillips

FHB2176 Reciprocity Board. Abolishes the Reciprocity Board. The three-member Board comprised of the Department of Motor Vehicles Commissioner, the Transportation Commissioner and a State Corporation Commission representative was created in 1942 to advise the Governor on reciprocal agreements with other states with respect to taxes on motor vehicles, the operation of motor vehicles, or any transaction incident to the operation of motor vehicles. The Board has not met for at least seven or eight years and the responsibilities of the Board regarding reciprocal agreements are currently performed by the Department of Motor Vehicles pursuant to § 46.2-703. This bill is identical to legislation recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is incorporated into HB 1444.

Patron - Rust

FHB2186 Public-Private Transportation Act of 1995. Prohibits imposition of tolls on existing interstate highways in connection with highway projects undertaken under the Public-Private Transportation Act of 1995.

Patron - Saxman

FHB2203 Special license plates; supporters of Deep Creek High School. Authorizes the issuance of "revenue-sharing" license plates to supporters of Deep Creek High School. For each set of plates issued (after the first 1,000 sets), \$15 will go to Deep Creek High School to be used to support its operation, programs, and activities.

Patron - Jones, S.C.

FHB2248 County parking ordinances. Allows counties to provide for enhanced penalties for repeat parking offenders.

Patron - Watts

FHB2251 Special license plates; supporters of the Foundation for Physical Therapy; fees. Authorizes the issuance of "revenue sharing" special license plates to supporters of the Foundation for Physical Therapy. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Foundation for Physical Therapy to support its programs and activities in Virginia.

Patron - Watts

FHB2280 Prepayment of speeding citations. Provides that, in all instances where prepayment of a fine is permitted, the fine for speeding will be five dollars per mile-per-hour in excess of posted speed limits.

Patron - Hurt

FHB2286 Regulation of parking. Allows Arlington, Fairfax, and Prince William Counties, by ordinance, to regulate or prohibit the parking of trailers, semitrailers, and vehicles that fit the definition of "commercial motor vehicle" in § 46.2-341.4. This bill incorporates HB 2574.

Patron - Devolites

FHB2298 Determining the speed of a vehicle with various devices; certificate as to accuracy of devices. Amends language that allows certification of accuracy of speed detection devices to be offered as evidence to add proof of accuracy of laser speed determination devices. Currently only radar is covered. This bill is incorporated into HB 1430.

Patron - Devolites

FHB2330 Motor vehicles; wheel chair reflectors. Requires any wheel chair or wheel chair conveyance, whether self-propelled or otherwise, operated within the Commonwealth to be equipped with marker lights or reflectors located on the rear wheels and back of the wheel chair or wheel chair conveyance of a type, size, and color approved by the Superintendent of State Police.

Patron - Bland

FHB2352 Motor carrier financial responsibility requirements. Reduces the minimum financial responsibility requirements for motor carriers operating vehicles that are designed or manufactured to transport seven passengers, including the driver, to \$350,000 if the Department of Medical Assistance Services certifies that (i) the vehicle is primarily used for the transportation of persons pursuant to a contract between its owner and the Department of Medical Assistance Services and (ii) the actual seating capacity of the vehicle has been permanently reduced to fewer than seven passengers, including the driver, as the result of the installation of a wheel-chair lift or similar modification. Currently, the minimum financial responsibility required for vehicles designed or manufactured to transport between seven and 15 passengers, including the driver, is \$1,500,000, regardless of the actual seating capacity.

Patron - Hull

FHB2359 Local vehicle licenses. Provides for issuance of special local vehicle licenses with fees that include a voluntary contribution used to support local school athletic programs and activities.

Patron - Shuler

FHB2374 Special license plates; St. Jude Children's Research Hospital; fees. Authorizes the issuance of "revenue sharing" special license plates to supporters of St. Jude Children's Research Hospital. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the St. Jude Children's Research Hospital to assist in its programs and activities.

Patron - Moran

FHB2381 Special license plates; active and retired law-enforcement officers. Authorizes the issuance of special license plates for active and retired sworn law-enforcement officers. These plates would be issued free of charge and would not be subject to minimum application and minimum active plate requirements of § 46.2-725.

Patron - Moran

FHB2398 Increase in level of fines that may be pre-paid for speeding violations. Provides for an increase in fine

amounts established in the Supreme Court's Traffic Infractions and Uniform Fine Schedule for speeding violations in business and residential districts, from not less than \$3 per mile in excess of the speed limit to not less than \$10 per mile in excess of the speed limit. This bill is incorporated into HB 2280.

Patron - May

FHB2412 Child restraints. Exempts vans or other vehicles used for transportation by child day centers or child day programs as defined in § 63.2-100 from coverage under the "child restraint law," provided that children who are at least four years old are restrained by lap belts. This bill includes an "emergency clause."

Patron - Marrs

FHB2416 Special license plates; members of the National Contract Management Association. Authorizes the issuance of special license plates to members of the National Contract Management Association.

Patron - Welch

FHB2452 Special license plates; multiple sclerosis. Authorizes the issuance of special license plates bearing the legend: MULTIPLE SCLEROSIS. This bill is incorporated into HB 1735.

Patron - Griffith

FHB2459 Commissioners of the revenue; agents of the Commissioner of the Department of Motor Vehicles. Requires every commissioner of the revenue to enter into an agreement with the Commissioner of the Department of Motor Vehicles to act as an agent of the Commissioner to register motor vehicles that have situs in their localities and collect fees associated therewith.

Patron - McDougale

FHB2466 Vehicle registration fees. Treats well-drilling support equipment the same way as well-drilling equipment.

Patron - Stump

FHB2491 Parking in Fairfax and Prince William Counties. Allows Fairfax and Prince William Counties to regulate or prohibit parking of trailers, semitrailers, and vehicles that are primarily used for commercial purposes and have registered gross weights of 6,000 pounds or more. This bill is incorporated into HB 1730.

Patron - Bolvin

FHB2493 Wireless telecommunications devices. Prohibits, except in emergencies, use of wireless telecommunications devices by persons less than 18 years old while operating a motor vehicle.

Patron - Bolvin

FHB2508 Removal of vehicles rendered inoperable by accidents or breakdowns. Provides a procedure for removal and storage of vehicles rendered inoperable by accidents or breakdowns. The provisions of the bill parallel the provisions of § 46.2-1209, relating to removal and storage of unattended or abandoned vehicles.

Patron - Griffith

FHB2574 Parking. Grants Arlington County the same ability as Fairfax and Prince William Counties to regulate or prohibit the parking, on any public highway in the county, of watercraft, boat trailers, motor homes, and camping trailers. This bill is incorporated into HB 2286.

Patron - Brink

FHB2581 Special license plate; "local logo" license plates. Provides for joint issuance of special "local logo" license plates. Revenue-sharing funds would be apportioned as agreed to with the Commissioner prior to issue.

Patron - Armstrong

FHB2628 Pedestrians. Requires, at certain locations, that the driver of any vehicle on a highway yield the right-of-way to any pedestrian crossing the half of the highway upon which the vehicle is traveling by stopping and remaining stopped until the pedestrian has crossed the half of the highway upon which the vehicle is traveling. In addition, the driver must also yield the right-of-way when any pedestrian, approaching the half of the highway upon which the vehicle is traveling from the opposite half of the highway, would be in such close proximity to that traveling vehicle as to be in danger, and such vehicle shall stop and remain stopped until the pedestrian has crossed the half of the highway upon which the vehicle is traveling. The bill also allows localities by ordinance to require that the driver of any vehicle stop to permit the safe and expeditious passage of any pedestrian crossing such highway at a clearly marked or unmarked crosswalk when the driver is approaching on a highway or street where the legal maximum speed does not exceed 35 miles per hour.

Patron - Darner

FHB2663 Department of Motor Vehicles (DMV); customer service pilot project. Establishes a pilot project whereby private business entities perform certain customer transactions with the DMV on behalf of business companies, firms, and corporations. The pilot project is to conclude on December 1, 2004.

Patron - Cosgrove

FHB2675 Special license plate; Virginia is for lovers. Authorizes a "Virginia is for lovers" revenue-sharing special license plate. Revenues to be shared with the Virginia Tourism Authority and the Virginia Hospitality and Travel Association.

Patron - May

FHB2677 Driver's license suspension for graffiti or other injury to property. Provides for the mandatory suspension of the driver's license of any person convicted of destroying, defacing, or damaging any property not his own. If the violation is committed by a child under the age of 16 years and three months, the child's ability to apply for a driver's license shall be delayed for at least 30 days.

Patron - Baskerville

FHB2682 "Photo-red" programs. Allows the City of Norfolk to have a "photo-red" traffic light signal enforcement program and exempts vehicles in escorted funeral processions and vehicles yielding the right-of-way to emergency vehicles.

Patron - Alexander

FHB2690 Franchised motorcycle dealers. Requires manufacturers and distributors, in the event of an involuntary discontinuation, cancellation, or nonrenewal of a franchise agreement, to repurchase certain vehicles, parts, and equipment from the dealer.

Patron - Bell

FHB2700 Reimbursement of towing and recovery operators. Requires the owner and carrier of any vehicle, cargo, or personal property that is removed or disposed of as the result of a motor vehicle accident to reimburse affected

towing and recovery operators for all costs incurred in the removal and subsequent disposition of such property.

Patron - Reid

FHB2711 Safety belt system. Removes the provision that a citation for a violation of the seat belt law may not be issued unless the officer has another reason to stop the vehicle or arrest the driver; however, the officer is prohibited from searching or inspecting a vehicle, its contents, the driver or a passenger solely because of a violation of the seat belt law.

Patron - May

FHB2743 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

FHB2758 Delinquent parking citations. Provides a mechanism whereby the Commissioner of the Department of Motor Vehicles will refuse to renew the vehicle registration of any applicant if the vehicle is subject to two or more unpaid parking citations that are more than 90 days delinquent.

Patron - Rust

FHB2788 All-terrain vehicles and off-road motorcycles. Requires that every owner (other than a dealer) of any all-terrain vehicle or off-road motorcycle powered by a gasoline or diesel engine of more than 50 cubic centimeters displacement that is purchased as new on or after July 1, 2003, must obtain a title to the vehicle from the Department of Motor Vehicles (DMV). On and after January 1, 2006, in order to purchase or otherwise acquire an all-terrain vehicle or off-road motorcycle, the purchaser must obtain a certificate of title from DMV. The bill provides that, for purposes of motorcycle dealers, all-terrain vehicles and off-road motorcycles will be considered motorcycles. The bill also allows children under 12 years of age to operate all-terrain vehicles and off-road motorcycles powered by engines of no more than 50 cubic centimeters displacement. Three sections of the tax code are also amended so as to avoid tax consequences flowing from titling of these vehicles. Nothing in the bill requires all-terrain vehicles or off-road motorcycles to be registered or licensed.

Patron - May

FSB697 Special license plates; emergency medical technicians, paramedics, and firefighters. Authorizes the issuance of special license plates to emergency medical technicians and paramedics and to persons who are both emergency medical technicians or paramedics and firefighters. Each set of such special license plates would be subject to payment of a fee of one dollar in addition to the prescribed cost of state license plates. This bill is incorporated into SB 1230.

Patron - Deeds

FSB699 Special license plates; members of the Air Force Association. Authorizes the issuance of special license plates to members of the Air Force Association. This bill is incorporated into SB 1230.

Patron - Howell

FSB708 Special license plates; Virginia certified hunter education instructors. Authorizes the issuance of special license plates to Virginia certified hunter education instructors. This bill was incorporated in SB 1230.

Patron - Deeds

FSB716 "Out-of-service" inspections. Adds Bristol and Richmond City to the list of localities whose specially

trained law-enforcement officers are authorized to perform "out-of-service" inspections of trucks and take unsafe vehicles out of service.

Patron - Wampler

FSB725 Buses; local ordinances may require traffic to yield right-of-way. Allows localities to adopt ordinances to require motorists to yield the right-of-way to transit buses merging into traffic after having stopped to take on or discharge passengers.

Patron - Deeds

FSB729 Special license plates; members and supporters of the Urban League of Hampton Roads. Authorizes the issuance of special license plates to members and supporters of the Urban League of Hampton Roads. This bill is incorporated into SB 1230.

Patron - Miller, Y.B.

FSB748 Hand-held telecommunications devices. Prohibits use of hand-held wireless telecommunications devices while operating motor vehicles.

Patron - Puller

FSB767 Driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, and special identification cards. Requires that on and after July 1, 2003, every applicant for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card must apply for it in person. Except for persons less than 19 years old and others to whom the Commissioner of the Department of Motor Vehicles (DMV) may grant a waiver, every original application must be accompanied by at least two documentary proofs of the applicant's name and date of birth (at least one of which must include a photograph of the applicant). Both documents must be original documents. A birth certificate issued by a state of the United States or a political subdivision of any state of the United States is one acceptable proof of the applicant's name and date of birth. The DMV Commissioner may accept translations of non-English language documents whose authenticity is certified by the United States Department of State or a U.S. embassy or consulate. If the applicant is a citizen of the United States he must (i) so certify on a form provided by the Commissioner, (ii) submit proof or proofs of citizenship in a number and form satisfactory to the Commissioner, and (iii) submit a birth certificate or other proof satisfactory to the Commissioner of his name and date of birth. However, once this certification has been made, these proofs of citizenship, name, and date of birth have been provided, and the applicable document has been duly issued by the Department, that document will be sufficient proof of United States citizenship when applying for other permits and documents issued by the Department. Further, the bill provides that on and after July 1, 2003, every applicant for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card must apply for it in person and, if he is not a citizen of the United States, he must (i) certify, on a form prescribed by the Commissioner, that his presence in the United States is in conformity with federal law, (ii) submit proof or proofs, in a number and form satisfactory to the Commissioner, that his presence in the United States is in conformity with federal law, (iii) submit proof or proofs, in a number and form satisfactory to the Commissioner, of his immigration status, including, but not limited to, his visa or other document authorizing his presence in the United States, and (iv) submit a birth certificate or other proof satisfactory to the Commissioner of his name and date of birth. However, once these requirements have been met, and the applicable

document has been issued by the Department, these provisions will not apply to persons who are not citizens of the United States but have submitted proof that they have been granted permanent status in the United States by an appropriate federal agency. Nevertheless, these provisions will continue to apply to any application for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card or renewal thereof, when the applicant is not a citizen of the United States and his presence in the United States is subject to a visa or other temporary status document issued by an appropriate federal agency. No driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card issued to any applicant will be (i) valid for a length of time that exceeds the length of time during which the applicant is permitted by federal law to be present in the United States or (ii) issued to any person whose presence in the United States is not in conformity with federal law. No driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card will be issued to any applicant when the length of time he is permitted by federal law to be present in the United States is less than one year; however, the Commissioner may waive this prohibition on a case-by-case basis for good cause shown. Every driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, and special identification card issued to a person who is not a United States citizen must state on its face either that the person to whom it is issued is a permanent immigrant or that he is a temporary immigrant. Every applicant for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card must also certify that he is a resident of the Commonwealth by signing a certification statement, on a form prescribed by the Commissioner, and by providing satisfactory proof that he is a resident of the Commonwealth. No driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card will be issued to or renewed for any person who is not a resident of Virginia. The Commissioner may adopt regulations to determine the process by which applicants prove that they are residents of the Commonwealth. The Commissioner may, on a case-by-case basis, waive any provision of these regulations for good cause shown, provided that, neither an immigration visa nor a signed written statement, whether or not such statement is notarized, wherein the maker of the statement vouches for the Virginia residency of the applicant, will be an acceptable proof of Virginia residency. If the applicant is a minor, the applicant's parent or guardian must also certify that the applicant is a resident by signing the certification. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation will not be required to provide the parent's certification of residence. If the DMV Commissioner receives from any court or any state or federal law-enforcement agency reliable and convincing evidence or information that the presence in the United States of any person to whom a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card has been issued is no longer in conformity with federal law, the Commissioner will suspend any of these documents and provide notice of the suspension to the person's most recent address as shown in the records of the Department. If the person has not, within 60 days, provided to the Commissioner proof or proofs, in a number and form satisfactory to the Commissioner, that his presence in the United States is in conformity with federal law, the Commissioner will revoke the person's driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's per-

mit, or special identification card. The provisions of the bill, with a very few exceptions, do not apply to renewals, only to original issues of the covered DMV documents.

Patron - O'Brien

FSB768 Pedestrians; motorists on certain highways to stop. Allows localities to adopt ordinances requiring motorists on highways with speed limits of no more than 35 miles per hour to stop when approaching any pedestrian in a marked crosswalk and remain stopped until the pedestrian exits the crosswalk.

Patron - Cuccinelli

FSB791 Motor vehicle liability insurance. Provides that the minimum public liability financial responsibility requirements for operators of vans with a capacity of at least seven but not more than 14 passengers, exclusive of the driver, when those passengers are related to one another by blood or marriage shall be \$350,000 and the minimum cargo insurance required for such vehicles shall be \$5,000.

Patron - Miller, K.G.

FSB840 "Photo-red" programs. Allows all localities to use "photo-red" programs to enforce traffic light signals and extends the program's "sunset" to July 1, 2010.

Patron - Quayle

FSB845 Special license plates; historic covered bridges. Authorizes the issuance of special license plates bearing the legend: HISTORIC COVERED BRIDGES. This bill is incorporated into SB 1230.

Patron - Quayle

FSB906 Wireless telephones in motor vehicles; civil penalty; reporting requirement. Prohibits the driver of a motor vehicle from using a 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. A violation is punishable by a \$25 civil penalty. Law-enforcement agencies shall maintain a record of hand-held wireless communication device-related accidents.

Patron - Miller, Y.B.

FSB911 Delinquent parking citations. Provides a mechanism whereby the Commissioner of the Department of Motor Vehicles will refuse to renew the vehicle registration of any applicant if the vehicle is subject to two or more unpaid parking citations that are more than 90 days delinquent.

Patron - Whipple

FSB912 Pedestrians. Allows Fairfax County, counties and cities adjoining Fairfax County, and towns within Fairfax County or any county adjoining Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill do not apply to intersections controlled by traffic lights.

Patron - Whipple

FSB915 Applicants for driver's licenses, etc. Selective Service System registration. Provides that the provisions of law requiring certain applicants for a learner's permit, driver's license, commercial driver's license, or special identification card to register with the Selective Service System will not apply to an applicant whose application is accompanied by written statement, signed by a parent or guardian, stating that such parent or guardian declines to sign the application as required by law because such parent or guardian has a moral or

religious objection to the registration of the applicant with the Selective Service System.

Patron - Ruff

FSB933 Local vehicle licenses. Provides for issuance of special local vehicle licenses with fees that include a voluntary contribution used to support local school athletic programs and activities.

Patron - Edwards

FSB996 Drivers to give attention to operation of vehicle. Requires every person operating a motor vehicle on the highways of the Commonwealth to give his full time and attention to the operation of the vehicle.

Patron - Mims

FSB1000 Special license plates; supporters of the Leukemia and Lymphoma Society; fees. Authorizes the issuance of "revenue-sharing" special license plates to supporters of the Leukemia and Lymphoma Society. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Leukemia and Lymphoma Society to support the Society's Team in Training Program in Virginia. This bill is incorporated into SB 1230.

Patron - Mims

FSB1009 Vehicle license plates. Provides for only one license plate on registered vehicles.

Patron - Potts

FSB1046 Special license plates; members of city councils. Authorizes the issuance of special license plates to members of city councils. This bill is incorporated into SB 1230.

Patron - Hanger

FSB1158 Department of Motor Vehicles' officers. Removes the requirement that full-time sworn members of the enforcement division of the Department of Motor Vehicles be on duty to enforce the criminal laws of the Commonwealth. The violation must have been committed in their presence or occur in their plain view as under current law.

Patron - Ticer

FSB1165 Driver's licenses. Increases from a Class 2 misdemeanor (jail for up to six months and/or a fine up to \$1,000) to a Class 6 felony (one to five years in prison or up to 12 months in jail and/or a fine up to \$2,500) the penalty for giving a false or fictitious name or giving a false or fictitious address, or knowingly making a false statement of concealing a material fact or otherwise committing fraud in a driver's license application. The present Class 4 felony penalty for using a driver's license for the purpose of concealing a fact of committing fraud with the intent to purchase a firearm remains unchanged.

Patron - Ticer

FSB1167 Vehicular warning lights. Authorizes vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways to be equipped with amber warning lights and/or high-intensity flashing, blinking, or alternating amber or clear strobe warning lights.

Patron - Puckett

FSB1170 Special license plates; coal mining heritage. Authorizes the issuance of special license plates celebrat-

ing Virginia's coal mining heritage. This bill was incorporated in SB 1230.

Patron - Puckett

FSB1185 Motorcycle helmets. Limits the requirement that motorcyclists wear helmets to persons less than 21 years old. The bill also makes violation of the "motorcycle helmet law" a secondary offense.

Patron - Wagner

FSB1211 Special license plates; military parachutists. Authorizes the issuance of special license plates to military parachutists and former military parachutists. This bill is incorporated into SB 1230.

Patron - Newman

FSB1260 "Out-of-service" inspections. Allows specially trained law-enforcement officers of Newport News to perform "out-of-service" inspections.

Patron - Norment

FSB1272 Special license plates; Special Forces Association. Authorizes the issuance of special license plates to members of the Special Forces Association. These plates would be exempt from the minimums specified in § 46.2-725, but would not be issued unless and until the DMV Commissioner receives at least 50 prepaid applications for them and a one-time fee in an amount adequate to offset the normal costs associated with production of special license plates. This bill is incorporated into SB 1230.

Patron - O'Brien

FSB1283 Special license plates; FREE TIBET; fees. Authorizes the issuance of "revenue-sharing" special license plates bearing the legend FREE TIBET. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Conservancy for Tibetan Art and Culture. This bill is incorporated into SB 1230.

Patron - Ticer

FSB1325 Safety belt systems. Makes failure to use safety belts in motor vehicles a "primary offense."

Patron - Mims

Notaries and Out-of-State Commissioners

Passed

PSB1187 Fees of public notaries. Increases the maximum fees of public notaries from two dollars to three dollars.

Patron - Wagner

Failed

FHB1841 Notaries. Repeals the requirement that a person seeking to become a notary public be recommended by a judge, clerk, etc., or member of the General Assembly.

Patron - Reese

Partnerships

Passed

PSB881 Uniform Partnership Act statements. Establishes the requirements for renewing a statement of partnership authority filed with the State Corporation Commission, and clarifies other provisions of the Uniform Partnership Act regarding the filing of statements of partnership authority, dissociation, dissolution, and merger. The filing of a renewal will restart the five-year effective life of a statement of partnership authority. A statement of partnership authority must be amended whenever the partnership changes its name. A statement of partnership authority must be filed prior to the filing of a statement of dissociation or dissolution. Statements of merger must be executed by each party to the merger, and are only effective as to a partnership that has a statement of partnership authority on file with the Commission. Finally, the measure provides that the term "statement," for purposes of the Uniform Partnership Act, includes a renewal of a statement of partnership authority.

Patron - Wampler

PSB945 Limited partnerships and limited liability partnerships. Clarifies that the cancellation of a limited partnership's certificate of limited partnership or a foreign limited partnership's certificate of registration to transact business as a limited partnership automatically cancels its registration as a domestic or foreign registered limited liability partnership. The method for, and effect of, restoration of status are set out. The measure also includes provisions requiring (i) that the registering partnership's name complies with current requirements; (ii) that a registering partnership identifies its State Corporation Commission identification number, if any; (iii) a statement of the principal office's street address, if one exists; and (iv) a limited partnership to list in its statement of registration the registered office and registered agent on file with the Commission.

Patron - Colgan

Pensions, Benefits and Retirement

Passed

PHB1622 Virginia Retirement System; disability benefits. Clarifies that state disability benefits are not to be offset by certain benefits received by a participating employee for service in the United States armed forces.

Patron - Cox

PHB1717 Virginia Retirement System; credit for service in the armed forces. Changes the requirements under which a member may receive retirement credit for service in the armed forces to conform to requirements under federal law. Under Virginia law, a member may receive retirement credit at no cost for service in the armed forces if the member (i) was on leave of absence from a covered position, (ii) was not dishonorably discharged, (iii) has not withdrawn his accumulated contributions, and (iv) has reentered service in a covered position within one year of discharge from the armed forces. However, under Virginia law, retirement credit is not granted for service in the armed forces for reenlistments that follow the cessation of hostilities. Federal law, however, provides that any service in

the armed forces, when performed on a leave of absence, is eligible for retirement credit upon a person's reemployment with his employer, regardless of whether the service is in wartime.

Patron - Cox

PHB1791 Virginia Retirement System; group life insurance program. Deletes the requirement that service must have been continuous in calculating the threshold 60 months of service required to continue life insurance benefits after a service or disability retirement.

Patron - Tata

PHB1986 Virginia Retirement System; losses of deferred compensation and defined contribution retirement plans. Provides that the Commonwealth, the Board of Trustees of the Virginia Retirement System ("VRS"), the employees of VRS, and the Investment Advisory Committee of VRS shall not incur any liability for losses suffered by deferred compensation and defined contribution retirement plans administered by VRS.

Patron - Putney

PHB2053 Virginia Sickness and Disability Program. Clarifies that annual increases in long-term disability payments are to be determined by the actuary of the Virginia Sickness and Disability Program.

Patron - Ingram

PHB2116 Virginia Retirement System; payment of an eligible rollover distribution to an eligible retirement plan. Provides compliance with the direct plan-to-plan transfer provisions of Internal Revenue Code § 401(a)(31) and the regulations thereunder.

Patron - Reid

PHB2122 Virginia Retirement System; purchase of prior service credit. Provides that school division superintendents may purchase an additional 10 years of retirement service credit for prior service for the Commonwealth or another state (this is in addition to the four years under law that may already be purchased). The cost for each additional year of service shall equal 10 percent of the superintendent's compensation at the time of purchase, provided that the additional retirement service is purchased within one year of the superintendent's eligibility and is paid for in one lump-sum payment to the Virginia Retirement System. For each year of service purchased under the bill, the school division superintendent is required to serve the same number of years as a school division superintendent subsequent to the date of purchase. Any school division superintendent who fails to serve the required number of years shall forfeit any credited service for the number of years not served and shall be liable to his local board for any amount paid by it for purchasing the forfeited prior service credit.

Patron - Reid

PHB2438 Virginia Retirement System; teachers. Clarifies that certain retired teachers who resume teaching duties without cessation of their retirement benefits may do so under successive one-year contracts. The bill also sunsets this benefit on July 1, 2005.

Patron - Dillard

PHB2487 Virginia Retirement System. Restores the level income option that was removed in the 2001 Session by allowing a retiree to receive a temporarily increased retirement allowance for a defined period of time and then to receive an allowance reduced on an actuarially equivalent basis.

Patron - Tata

PHB2556 Virginia Retirement System; withdrawing employers. Authorizes the Virginia Retirement System ("VRS") to enter into an agreement with a VRS employer to assume the pension liabilities of an employer who withdraws from VRS. Retired members of the withdrawing employer shall have their retirement allowances paid by the employer who agrees to assume such liabilities. Vested members of withdrawing employers who are not retired can elect to either cash out or have their retirement allowances paid by the employer agreeing to assume such liabilities.

In general, the employer who agrees to assume the pension liabilities of a withdrawing employer shall receive from VRS 105 percent of the present value of the remaining pension liabilities after cashing out by vesting members. Such funds shall be paid from the withdrawing employer's VRS pension accounts and shall be used to pay the pension liabilities for former VRS employees of the withdrawing employer. Any remaining funds in the VRS pension accounts of the withdrawing employer shall be distributed to VRS employers who provided funding to the withdrawing employer.

Patron - Landes

PHB2620 Health insurance credits for retired state employees. Removes the monthly credit cap of \$120. The bill is not effective unless reenacted by the 2004 General Assembly.

Patron - Putney

PSB812 State Police Officers' Retirement System. Provides that state police officers in service at age 60 or older with five or more years of service may elect to retire and to continue to receive their retirement allowance while employed as an employee of the Department of State Police. The bill also provides that state police officers, between the ages of 55 and 59, with five or more years of creditable service who (i) have been rehired as an employee of the Department of State Police and (ii) have been receiving a service retirement allowance for at least 30 days prior to such reemployment may elect to continue to receive such service retirement allowance while an employee of the department. The bill limits the number of years that a person may receive a retirement allowance while an employee of the Department of State Police to two. The provisions of the bill sunset on July 1, 2005.

Patron - Stolle

PSB849 Optional retirement plans of institutions of higher education. Authorizes institutions of higher education to establish their own optional retirement plans for employees engaged in the performance of teaching, administrative, or research duties, as an alternative to the Virginia Retirement System ("VRS") defined benefit retirement plan. The bill provides that VRS shall give initial approval to institutions of higher education seeking to establish such optional retirement plans. The bill prohibits such institutions from adopting policies that are substantially different than the retirement policies approved by VRS in the initial approval process unless the VRS Board approves such policies in writing. Prior to granting to any institution of higher education approval to establish its own optional retirement plan, VRS shall release a plan to the chairmen of the Senate Committee on Finance and the House Appropriations Committee establishing criteria and guidelines VRS shall apply in granting approval for such optional retirement plans.

Any employee hired on or after July 1, 2003, by an institution of higher education to perform such duties, shall make an election to participate in either the VRS defined benefit retirement plan or in an optional retirement plan. If an employee chooses to participate in an optional retirement plan but the institution of higher education has not established its own optional retire-

ment plan, the employee shall participate in an optional retirement plan maintained by VRS. However, at such time that the institution establishes its own optional retirement plan, any employee (i) engaged in the performance of teaching, administrative, or research duties and (ii) participating in an optional retirement plan, shall immediately begin to participate in the optional retirement plan of the institution, notwithstanding any prior election to participate in a different optional retirement plan.

The bill provides different options for University of Virginia Medical Center employees. Any employee of the Medical Center hired on or after July 1, 2003, shall participate in the optional retirement plan of the Medical Center, provided, however, that if such employee was participating in the VRS defined benefit retirement plan immediately prior to such hiring, such employee may elect to continue to participate in the defined benefit retirement plan.

Patron - Miller, K.G.

PSB857 Virginia Retirement System; administrative fees. Provides that the Virginia Retirement System (VRS) may charge and collect administrative fees to pay its costs incurred in administering and overseeing any retirement plan or service award fund other than the Virginia Retirement System, State Police Officers' Retirement System, Virginia Law Officers' Retirement, or the Judicial Retirement System. The bill also authorizes VRS to charge and collect from participating employers any penalties, interest, compliance fees, or other charges charged to VRS by the Internal Revenue Service or other regulatory body. Persons employed in teaching, administrative or research functions at institutions of higher education who are enrolled in an optional retirement plan may be charged with a reimbursement fee by their employer for purposes of recovering VRS charges for administering and overseeing the optional retirement plan.

Patron - Stosch

PSB905 Virginia Retirement System; life and accidental death and dismemberment insurance. Provides that any employee who (i) at any time had at least 25 years of creditable service in any retirement plan administered by the Virginia Retirement System or other Virginia public plan participating in the group life program and (ii) shall be eligible for an amount of group life insurance at an amount equal to twice the amount of his annual salary earned in his immediately prior covered position. The Bill also provides that for any employee who returns to covered employment after retiring with at least 25 years of creditable service in any retirement plan administered by the Virginia Retirement System or other Virginia public plan participating in the group life program, the amount of life insurance shall be the greater of the amount of insurance he would have been eligible for had he remained a retiree or twice the amount of his current annual salary. The bill provides that the face value of such a life insurance shall be reduced as currently provided under law.

Patron - Quayle

PSB1038 Virginia Retirement System; creditable compensation. Eliminates provisions that require the Board of Trustees of the Virginia Retirement System to determine the value of certain nonmonetary compensation paid to employees for purposes of determining creditable compensation for retirement.

Patron - Trumbo

Failed

FHB1507 Virginia Retirement System. Increases the retirement allowance for state and local members of the

Virginia Retirement System who retire on or after July 1, 2003, by increasing the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.75 percent for certain members of the Virginia Law Officers' Retirement System who retire with 25 or more years of creditable service and who are not eligible for the supplemental allowance; (ii) from 2 percent to 2.5 percent for members of the Virginia Law Officers' Retirement System who retire with 25 or more years of creditable service and who are eligible for the supplemental allowance; and (iii) from 1.7 percent to 2 percent for all others who retire with 25 or more years of creditable service.

Patron - Callahan

FHB1522 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Kilgore

FHB1567 Retirement; creditable compensation for teachers. Provides that creditable compensation for teachers shall include remuneration for extra instructional duties, whether performed during normal school day hours or outside normal school day hours.

Patron - Hamilton

FHB1568 Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by gradually increasing, over a 6-year period, the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.3 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 2 percent for all others. The bill also gradually increases, over a six-year period, the monthly retirement allowance paid to members of the Virginia Retirement System who retired prior to July 1, 2003, by 3 percent.

Patron - Hamilton

FHB1674 Virginia Retirement System; purchase of prior service credit. Permits any member to purchase up to four years of prior service credit, at the rate of five percent of creditable compensation, for any period of time when the member was employed by a nonprofit entity that was exempt from taxation under § 501 (c) (3) of the Internal Revenue Code.

Patron - Petersen

FHB1734 State Police Officers' Retirement System. Modifies the retirement allowance paid under the State Police Officers' Retirement System (SPORS) by increasing from 1.7 percent to 2.0 percent the percentage of average final compensation multiplied by the years of creditable service in a SPORS-covered or similar position, and by deleting the supplemental allowance currently paid to members upon retirement until their Social Security retirement age (currently \$9,264 annually). This provision applies to employees who become members of SPORS on or after July 1, 2003, and to current employees who elect to accept the modifications by October 31, 2003.

Patron - Rollison

FHB1766 Virginia Retirement System; age for retirement. Deletes any minimum age requirement for those retiring from the Virginia Retirement System with 30 or more years of creditable service.

Patron - Nutter

FHB1789 Virginia Retirement System; prohibition on selecting a different option for the payment of a retirement allowance. Clarifies that a member retiring a second or subsequent time under any of the retirement plans administered by the Virginia Retirement System is prohibited from selecting a different option for the payment of his retirement allowance than the one selected upon his first retirement, except as provided for in the case of the death of a contingent annuitant, divorce from a beneficiary or the giving of consent by a contingent annuitant.

Patron - Tata

FHB1801 Virginia Law Officers' Retirement System. Adds internal investigators of the Department of Corrections to the membership of the Virginia Law Officers' Retirement System.

Patron - Jones, D.C.

FHB1807 State Police Officers' Retirement System. Changes the retirement benefits under the State Police Officers' Retirement System by increasing the percent of average final compensation that is multiplied by the amount of creditable service from 1.7 to 2.5, and eliminating the supplemental benefit that was payable from the date of retirement until retirement age under the Social Security Act.

Patron - Carrico

FHB1897 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Stump

FHB1968 Virginia sickness and disability program. Requires the Virginia Retirement System, by July 1, 2004, to promulgate regulations that will allow participation in the Virginia sickness and disability program by employees of a locality participating in VRS. The regulations may be developed so as to allow such participation to be phased in over a period of five years.

Patron - Athey

FHB2093 Appearance as counsel by retired judge. Allows retired judges to practice law outside of their former circuits/districts and continue to receive their retirement allowance from the Judicial Retirement System. This bill does not apply to justices of the Supreme Court or to judges of the Court of Appeals. Judges who continue to practice law in retirement are not eligible to serve as substitute judges.

Patron - Joannou

FHB2172 Virginia Retirement System; purchase of prior service credit. Permits any in service member of the Virginia Retirement System who is an employee with the Dickenson County Public Service Authority and who was an employee with the Big Caney Water Corporation at the time it merged with the Dickenson County Public Service Authority to purchase one year of creditable service for each year of service as a full-time employee with the Big Caney Water Corporation, up to a maximum of four years. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.

Patron - Phillips

FHB2295 Retirement; state and local law-enforcement officers and firefighters. Deletes the minimum age

requirement for retirement for state and local law-enforcement officers and firefighters with 25 or more years of service.

Patron - Devolites

FHB2296 Retirement; state police officers and certain local law-enforcement officers. Modifies the retirement allowance paid to state police officers and to certain local law-enforcement officers and firefighters by increasing from 1.7 percent to 2.0 percent the percentage of average final compensation multiplied by the years of creditable service in such positions, and by deleting the supplemental allowance currently paid to members upon retirement until their Social Security retirement age (currently \$9,264 annually). This provision applies to employees who become members of the applicable retirement system on or after July 1, 2003, and to such current employees who elect to accept the modifications by October 31, 2003.

Patron - Devolites

FHB2345 Deputy sheriffs; retirement allowance. Provides that deputy sheriffs employed by political subdivisions participating in the Virginia Retirement System ("VRS") shall receive the same retirement benefits as sheriffs. Under current law, any sheriff employed by a political subdivision participating in VRS shall receive retirement benefits equivalent to those provided under the State Police Officers' Retirement System ("SPORS") for state police officers. This bill would provide that deputy sheriffs, whose political subdivision participates in VRS, also receive retirement benefits equivalent to those provided under SPORS.

Patron - Weatherholtz

FHB2399 Virginia Law Officers' Retirement System. Adds firefighters of the Virginia National Guard Fire and Rescue as members of the Virginia Law Officers' Retirement System.

Patron - Ingram

FHB2439 Virginia Retirement System; creditable service for certain teachers. Provides that licensed instructional personnel who accept full-time employment in a public school that has been accredited with warning for two consecutive years, as provided in Board of Education regulations for the accreditation of public schools, and complete three consecutive years' satisfactory service in such school, shall be entitled to three additional years' creditable service.

Patron - Dillard

FHB2548 Virginia Retirement System; General Assembly members. Specifies that current law permitting retirees of the Virginia Retirement System (VRS) to receive retirement benefits while serving in a VRS covered position as a General Assembly member was applicable beginning January 1, 1993.

Patron - Christian

FHB2629 Virginia Retirement System; service credit for military personnel. Provides that employees of the Commonwealth, or of any political subdivision of the Commonwealth, who are granted a leave of absence for military duty with the reserve forces of the armed services of the United States or the Virginia National Guard shall receive retirement service credit for such service at no cost, provided (i) the military service was completed under honorable conditions, (ii) the employee has not withdrawn his accumulated contributions, and (iii) the employee is employed in a covered position within one year after completion of such military duty.

Patron - Ware

FHB2706 Health insurance credits for certain retirees. Increases the monthly health insurance credit used to offset the cost of health insurance premium costs to \$4 for each year of creditable service, not to exceed a maximum monthly credit of \$120 for retired (i) teachers, (ii) local government employees, (iii) constitutional officers and their employees, and (iv) local social service employees. Under current law the monthly health insurance credit for teachers is \$2 for each year of creditable service up to a maximum monthly amount of \$75, and, for the remainder of these employees, these amounts are \$1.50 and \$45, respectively.

Patron - Rapp

FHB2732 Virginia Retirement System; enhanced benefits for salary donations from state employees. Permits any state employee to donate 8.33 percent of his salary to the Commonwealth for either or both of the fiscal years ending June 30, 2004, or June 30, 2005, and to receive in exchange certain enhanced retirement benefits under the Virginia Retirement System. For each fiscal year that the employee makes the donation, he shall be entitled, upon retirement, but not prior to July 1, 2005, to have four years of his creditable service multiplied by: (i) 2 percent instead of 1.7 percent in any retirement allowance calculation for any VRS member other than certain members of the Virginia Law Officers' Retirement System; and (ii) 2.3 percent instead of 2 percent in any retirement allowance calculation for certain members of the Virginia Law Officers' Retirement System. Salary donations will not reduce the employee's average final compensation in computing his retirement benefits. Any employee participating may not begin receiving the enhanced retirement benefits prior to July 1, 2005. To participate, an employee must elect to do so between April 15, 2003, and June 15, 2003, on a form and according to procedures to be developed by the Department of Human Resource Management. Donations will be paid into a dedicated special fund in the state treasury, ("the State Employees' Revenue Shortfall Fund") to be used solely to reduce the revenue shortfall of the Commonwealth for the fiscal years ending June 30, 2004, and June 30, 2005.

Patron - Tata

FSB719 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Wampler

FSB720 Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by gradually increasing, over a six-year period, the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.3 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 2 percent for all others. The bill also gradually increases, over a six-year period, the monthly retirement allowance paid to members of the Virginia Retirement System who retired prior to July 1, 2003, by 3 percent.

Patron - Wampler

FSB848 Health insurance credit; retired teachers. Increases the health insurance credit for retired teachers from \$2.50 to \$4 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 - Howell

FSB883 Virginia Retirement System; average final compensation. Indexes the average final compensation of state and local employees who are members of the Virginia Retirement System, the State Police Officers' Retirement System, the Judicial Retirement System, and the Virginia Law Officers' Retirement System. Average final compensation is increased only for those members who retired between December 1, 2001, and November 30, 2002, or those members in continuous service since July 1, 2002. Average final compensation is increased by a factor between 1.01011 and 1.10366 depending upon when the employee retired or retires and whether or not the Commonwealth or a locality participating in the Virginia Retirement System provided a general salary increase between December 1, 2001, and November 30, 2004.

Patron - Wampler

FSB940 State Police Officers' Retirement System and Virginia Law Officers' Retirement System; hazardous duty allowance. Provides that the additional allowance under the State Police Officers' Retirement System and the Virginia Law Officers' Retirement System for members with 20 or more years of service rendered in a hazardous position shall be paid annually for a minimum period of 15 years to members retiring at age 50 or older who have not retired prior to July 1, 2003, under any retirement plan administered by the Virginia Retirement System.

Patron - Colgan

FSB958 Long-term care insurance; employees of the Commonwealth. Provides that the Department of Human Resource Management shall develop a long-term care insurance program that shall offer group policy long-term care insurance to current and retired employees of the Commonwealth. Former employees not yet retired (i) credited with five or more years of creditable service while an employee of the Commonwealth and (ii) who have not withdrawn their accumulated contributions shall also be allowed to purchase such insurance from the Department.

Patron - Martin

FSB1178 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Puckett

FSB1191 Retirement; service credit for state employees when there is no general salary increase. Provides that state employees shall be credited with up to 12 months of additional retirement service credit for each fiscal year that the Commonwealth does not provide a general salary increase. The amount of service credit to be credited to each such employee shall be equal to the number of months that the person was in service as a state employee in the relevant fiscal year, rounded up to the nearest whole month. State employees covered under a defined contribution retirement plan for retirement purposes and local government employees are not eligible to receive the additional service credit. Under the bill, additional retirement service credit is granted for Fiscal Year 2002, Fiscal Year 2003, and for any fiscal year of the Commonwealth beginning or after July 1, 2003, for which there was no general salary increase.

Patron - Wagner

FSB1198 State and local employment benefits; group life insurance. Provides that the group life insurance benefit payable upon the death of certain retirees of the Vir-

ginia Retirement System, Judicial Retirement System, State Police Officers' Retirement System and political subdivisions and local school boards participating in the Virginia Retirement System shall equal no less than 100 percent of such retiree's annual salary immediately prior to his retirement. Current law provides that such benefit shall equal no less than 50 percent of the retiree's annual salary immediately prior to his retirement.

Patron - Deeds

FSB1207 Retirement Incentive Program Act of 2003. Creates a voluntary retirement incentive program for state employees. A state employee who is at least 50 years of age and who has at least 27 years of creditable service, if a member of the Virginia Retirement System, or 23 years of creditable service, if a member of the State Police Officers' Retirement System or the Virginia Law Officers' Retirement System, is eligible to participate. An employee must apply to participate in the program by September 15, 2003, and the employee's employer must approve the application.

For each employee participating, the Commonwealth will purchase on behalf of such employee years of credit to be added to his age or creditable service for retirement purposes. The amount of years to be purchased is substantially similar to the amount of years of credit that the Commonwealth may purchase under the Workforce Transition Act of 1995. Employees participating in the retirement incentive program are required to retire on an immediate retirement allowance and shall not be rehired by the Commonwealth in a similar position for a period of three years.

Patron - Newman

Persons with Disabilities

Passed

PHB1569 Virginia Office for Protection and Advocacy. Clarifies that all initial appointments and appointments to fill vacancies to the Virginia Board for Protection and Advocacy, regardless of appointing authority, i.e., the Governor, the Speaker of the House of Delegates, or the Senate Committee on Privileges and Elections, must be confirmed by the General Assembly. This bill is a technical correction to House Bill 9 of 2002. This bill includes an emergency clause and will, thus, become effective upon the signature of the Governor.

Patron - Hamilton

PHB1969 Merger of Board of Rehabilitative Services and the State Rehabilitation Council. Eliminates the Board of Rehabilitative Services and merges its responsibilities into the State Rehabilitation Council. The responsibility of promulgating regulations regarding human research is also transferred to the Commissioner of the Department of Rehabilitative Services. The Board advises the Governor, Secretary of Health and Human Resources and the Department of Rehabilitative Services on the delivery of public services to and protection of the rights of persons with disabilities. The two collegial bodies share oversight responsibilities on two-thirds of the Department's programs. The Council's responsibilities can be naturally extended to include the other non-vocational rehabilitation programs of the Department. This bill is identical to SB 957 that was recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to SB 957.

Patron - Athey

PHB1987 Virginia Board for People with Disabilities. Changes the membership of the Virginia Board for People with Disabilities to require that the representative of a nongovernmental agency or group of agencies be an actual provider of services for persons with developmental disabilities.

Patron - Bloxom

PHB2101 Persons with disabilities; community services. Broadens the goals of the program for community services for persons with disabilities to promote the philosophy of independent living and provide financial assistance for expanding and improving the provision of independent living services. Eligible applicants for grants must now be consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies and agencies must be established for the sole purpose of operating a center for independent living. Cities and counties will no longer be considered eligible providers and local governing bodies will no longer have the power to review the budgets of applicants. Specific independent living services to be provided shall be in accordance with the federal Rehabilitation Act of 1973, as amended.

Patron - Baskerville

PSB807 Specialized Transportation Council. Abolishes the Specialized Transportation Council and its Specialized Transportation Technical Advisory Committee. The purpose of the Council was to support the development of transportation services for elderly and disabled Virginians. The Council and the Disability Commission currently share several commonalities including staffing, chairmanship, and focus. The bill requires the Commission to make transportation issues a top priority on its agenda and transfers the administration of the Specialized Transportation Incentive Fund from the Council to the Commission. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities.

Patron - Martin

PSB957 Merger of Board of Rehabilitative Services and the State Rehabilitation Council. Eliminates the Board of Rehabilitative Services and merges its responsibilities into the State Rehabilitation Council. The responsibility of promulgating regulations regarding human research is also transferred to the Commissioner of the Department of Rehabilitative Services. The Board advises the Governor, Secretary of Health and Human Resources and the Department of Rehabilitative Services on the delivery of public services to and protection of the rights of persons with disabilities. The two collegial bodies share oversight responsibilities on two-thirds of the Department's programs. The Council's responsibilities can be naturally extended to include the other non-vocational rehabilitation programs of the Department. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to HB 1969.

Patron - Martin

Failed

FHB2132 Specialized Transportation Council. Abolishes the Specialized Transportation Council and its Specialized Transportation Technical Advisory Committee. The purpose of the Council is to support the development of transportation services for elderly and disabled Virginians. The Council and the Disability Commission currently share several

commonalities including staffing, chairmanship, and focus. The bill requires the Commission to make transportation issues a top priority on its agenda and transfers the administration of the Specialized Transportation Incentive Fund from the Council to the Commission. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities.

Patron - Gear

Police, State

Passed

PHB1832 Amber Alert. Requires state buildings open to the public to have a Code Adam program as a preventive tool against child abductions and for locating lost children in certain public buildings. The alerts are used to lock down buildings where a child has been lost or possibly abducted. The bill requires the Board of Education to develop, in cooperation with private entities, a program to provide parents with child identification kits through school distribution. The kits shall include identification information about the subject child, including current photo, fingerprints, DNA samples, and important medical information and shall include instructions for the proper safekeeping of the kit. Such kits shall be held for safekeeping by the parent, not a school, school board, or other public entity. This bill also directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. The bill provides that the Virginia State Police shall inform all local law-enforcement agencies operating or participating in the Amber Alert programs when this bill becomes law and shall offer them assistance in conforming their programs to the provisions of the bill. This bill is identical to SB1204 and incorporates HBs 2064 and 2102.

Patron - Athey

PSB1204 Code Adam alerts; Virginia Amber Alert Program. Requires state buildings open to the public to have a Code Adam program as a preventive tool against child abductions and for locating lost children in certain public buildings. The alerts are used to lock down buildings where a child has been lost or possibly abducted. The bill requires the Board of Education to develop, in cooperation with private entities, a program to provide parents with child identification kits through school distribution. The kits shall include identification information about the subject child, including current photo, fingerprints, DNA samples, and important medical information and shall include instructions for the proper safekeeping of the kit. Such kits shall be held for safekeeping by the parent, not a school, school board, or other public entity. This bill also directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. The bill provides that the Virginia State Police shall inform all local law-enforcement agencies operating or participating in the Amber Alert programs when this bill becomes law and shall offer them assistance in con-

forming their programs to the provisions of the bill. This bill is identical to HB 1832.

Patron - Newman

Failed

FHB1980 Virginia Alert Plan. Directs the Department of State Police to develop a statewide alert plan (the Virginia Alert Plan) to rapidly publicize urgent information when the Superintendent of State Police determines that an early warning would assist in maintaining the safety of the citizens of the Commonwealth, including information that (i) may lead to the recovery of an abducted child and (ii) will inform the public of terrorist acts. The Department shall ensure that the Virginia Alert Plan is a coordinated effort among the Department, local law-enforcement agencies, the state's public and commercial television and radio broadcasters, the Virginia Department of Transportation, and any other entities whose participation will assist in the administration of the Virginia Alert Plan.

Patron - Athey

FHB2064 Amber Alert. Directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. This bill is incorporated into HB 1832.

Patron - Dudley

FHB2102 Code Adam alerts; Virginia Amber Alert Program. Requires state buildings open to the public to have a Code Adam program as a preventive tool against child abductions and for locating lost children in certain public buildings. The alerts are used to lock down buildings where a child has been lost or possibly abducted. The bill requires the Board of Education to develop, in cooperation with private entities, a program to provide parents with child identification kits through school distribution. The kits shall include identification information about the subject child, including current photo, fingerprints, DNA samples, and important medical information and shall include instructions for the proper safekeeping of the kit. Such kits shall be held for safekeeping by the parent, not a school, school board, or other public entity. The bill also establishes the voluntary Amber Alert Program as a means to provide notice and information of a child abduction to the public by the media (local, regional or statewide) to be activated initially in the discretion of the local law-enforcement officials.

Patron - Hogan

FSB694 Amber Alert. Directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. This bill is incorporated into SB 1204.

Patron - Deeds

FSB828 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 spe-

cific 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, 2007. 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

FSB1269 Amber Alert. Directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. This bill is incorporated into SB 1204.

Patron - O'Brien

Prisons and Other Methods of Correction

Passed

PHB1382 Courthouse and courtroom security; assessment. Eliminates the "July 1, 2004" sunset on the provision that allows any county or city to 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 that is 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.

Patron - Cosgrove

PHB1782 Probation and parole services; powers and duties of the director of the Department of Corrections. Modifies the appointment process for probation and parole officers so that they become classified state employees with judicial authorization to serve as an officer of the court instead of being appointed by the circuit court judges. Transfers may not be effected without the concurrence of the officer. The Director, after consultation with the court, designates supervisory staff for probation and parole officers. This provision applies only to those officers appointed after July 1, 2003.

Patron - Kilgore

PHB1924 Notice of release on parole. Requires the Parole Board to notify the attorney for the Commonwealth in

the jurisdiction where the inmate was sentenced by certified mail at least 21 business days prior to release on discretionary parole of any inmate convicted of a felony and sentenced to a term of 10 or more years. Currently, the Board is required to notify of release for any type of parole, not solely discretionary parole.

Patron - Almand

PHB2004 State and local correctional facilities; furloughs. Provides that the time during which a prisoner is on furlough shall not be counted as time served against any sentence, and during any furlough, the prisoner shall not be credited with earned sentence credits, good conduct allowance or any other sentence reduction.

Patron - Bell

PHB2020 Restoration of civil right to register to vote. Changes the definition of "violent felony," which if committed serves as a disqualifying event for any person seeking to restore his right to be eligible to register to vote. Currently, in this statute "violent felony" includes: homicide, mob violence, abduction and kidnapping, various types of assaults and bodily woundings, robbery, threats of bodily injury, and criminal sexual assaults. Also currently, the definition includes the conspiracy to commit such felonies and principals in the second degree and accessories before the fact. The proposed change would add: burglary and related offenses, personal trespass by computer, certain offenses committed against railroads and other utilities, various firearms and weapons offenses, prostitution, sodomy, various crimes against children, various obscenity offenses, certain offenses causing riots and prohibited paramilitary activity, obstruction of justice, escapes by prisoners, conspiracy to incite one race against another, and certain felonies committed by prisoners that are listed in § 53.1-203. The proposed change includes the conspiracy and the attempt to commit such added felonies and the commission of any substantially similar offense under the laws of the United States or its territories, or of another state, or of the District of Columbia.

Patron - Bell

PHB2180 Jail policies. Provides that jailers shall keep a written policy stating the criteria and condition of earned credit in the facility; clarifies the rate for earning good conduct credit for prisoners convicted of misdemeanors; and provides that in order for a prisoner to work on certain properties on a voluntary basis (in order to receive credit on his sentence for the work done), orders must be specific for identified individual prisoners. The bill also provides that for all offenses committed on or after July 1, 2003, any order that does not specifically identify individual prisoners shall be void. This bill is a recommendation of the Virginia State Crime Commission and is identical to SB 1146.

Patron - Kilgore

PHB2222 Financial responsibility of sheriffs and localities for medical treatment of inmates. Clarifies that a sheriff, jail superintendent or a locality is not required to pay for the medical treatment of an inmate for an injury, illness, or condition that existed prior to the inmate's commitment to a local or regional facility, except that medical treatment shall not be withheld for any communicable diseases or life-threatening conditions. This bill is identical to SB 1169.

Patron - Keister

PHB2245 Parole; community-based programs. Permits the Department of Corrections to give prisoners who have not been convicted of a violent crime and who have been sentenced to serve a term of imprisonment of at least three years the opportunity to participate in residential community

programs, work release, or community-based programs approved by the Secretary of Public Safety within six months of such prisoner's projected or mandatory release date.

Patron - Watts

PHB2427 Virginia Correctional Enterprises Advisory Board. Abolishes the Virginia Correctional Enterprises Advisory Board. The Board reviews new products and services manufactured or produced by Virginia Correctional Enterprises and their pricing structure, evaluates the level and quality of products and customer services and makes recommendations, and advises the Director on business trends, product development, contract opportunities, and other related matters. The Board has not been able to function to the full capacity of its mandate in evaluating and scrutinizing products and services of Virginia Correctional Enterprises. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to SB 764.

Patron - Hugo

PHB2719 Buckingham Correctional Center. Authorizes the Department of Corrections to exchange a certain parcel of land adjacent to the Buckingham Correctional Center for a parcel owned by a private landowner.

Patron - Abbott

PHB2765 Corrections; payment of costs by local inmates. Allows local sheriffs and jail superintendents to establish a program under which they would charge each inmate in their facility a reasonable fee, not to exceed one dollar per day, to defray the costs of his keep. The Board of Corrections would develop a model plan and adopt regulations to govern such a program. The funds generated would stay with the locality where collected to be used for general jail purposes.

Patron - Drake

PSB764 Virginia Correctional Enterprises Advisory Board. Abolishes the Virginia Correctional Enterprises Advisory Board. The Board reviews new products and services manufactured or produced by Virginia Correctional Enterprises and their pricing structure, evaluates the level and quality of products and customer services and makes recommendations, and advises the Director on business trends, product development, contract opportunities, and other related matters. The Board has not been able to function to the full capacity of its mandate in evaluating and scrutinizing products and services of Virginia Correctional Enterprises. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to HB 2427.

Patron - Ruff

PSB1069 Sheriffs; courthouse security. Removes the sunset on the provision that allows a portion of the costs assessed on criminal and traffic cases, in which the defendant is convicted, to be used for courthouse security.

Patron - Rerras

PSB1146 Jail policies. Provides that jailers shall keep a written policy stating the criteria and condition of earned credit in the facility; clarifies the rate for earning good conduct credit for prisoners convicted of misdemeanors; and provides that in order for a prisoner to work on certain properties on a voluntary basis (in order to receive credit on his sen-

tence for the work done), orders must be specific for identified individual prisoners. The bill also provides that for all offenses committed on or after July 1, 2003, any order that does not specifically identify individual prisoners shall be void. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 2180.

Patron - Stolle

PSB1169 Financial responsibility of sheriffs and localities for medical treatment of inmates. Clarifies that a sheriff, jail superintendent or a locality is not required to pay for the medical treatment of an inmate for an injury, illness, or condition that existed prior to the inmate's commitment to a local or regional facility except that medical treatment shall not be withheld for any communicable diseases or life threatening conditions. This bill is identical to HB 2222.

Patron - Puckett

Failed

FHB2002 Local correctional facilities; minimum length of sentence served. Requires that no misdemeanor be released from any local correctional facility until he has served at least 85 percent of each misdemeanor sentence ordered by the court. State-responsible prisoners, whether eligible for parole or not, shall not be eligible for or receive good conduct credits. The bill requires the Department of Corrections to report on the compliance of each local jail facility with this provision by November 30, 2003. The Commonwealth is to reimburse localities for any increased costs associated with this bill.

Patron - Bell

FHB2003 State and local correctional facilities; home/electronic incarceration programs. Prohibits the earning of good conduct credits, earned sentence credits, good conduct allowance or any other sentence reduction during any time in which a prisoner is assigned to a home/electronic incarceration program.

Patron - Bell

FHB2218 Prisoner work forces; liability. Provides that the sheriff (or his employees), locality or local governing body shall not be liable for civil damages for personal injury or property damage sustained by a prisoner participating in a local work force unless the damage arises from an employee's willful misconduct.

Patron - Suit

FHB2223 Felonies and misdemeanors by prisoners. Makes it a Class 1 misdemeanor for a prisoner in a state, local, or community correctional facility, or in the custody of an employee thereof, to procure, sell, secrete, or have in his possession any tobacco, or tobacco product.

Patron - Keister

FHB2293 Good conduct allowance; mandatory functional literacy requirement. Provides for good conduct allowance for prisoners depending on their performance and conduct in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 50 percent credit for those prisoners with exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate.

Patron - Devolites

FHB2394 Corrections; identification card. Requires the Director of the Department of Corrections to

work with appropriate state entities to ensure that each offender, prior to release, receives a valid identification card with his photograph and release address.

Patron - Athey

FHB2734 Home/electronic incarceration program.

Allows good conduct credit, earned sentence credit, good conduct allowance or any other reduction of sentence to accrue during any time in which a prisoner is assigned to a home/electronic incarceration program.

Patron - Melvin

FSB709 Death penalty; moratorium on executions.

Provides that the Commonwealth shall not conduct executions of prisoners sentenced to death. All other matters of law relating to the death penalty, such as bringing and trying capital charges, sentencing proceedings, appeals and habeas review are not affected by the bill.

Patron - Marsh

FSB776 Conveyance of Tidewater Correctional Unit 22 building and property.

Authorizes the Commonwealth to convey the Tidewater Correctional Unit 22 building and surrounding property to the City of Chesapeake upon terms to be agreed upon by the parties. The property would be used by the City solely for parks and recreational purposes.

Patron - Blevins

FSB928 Rehabilitative passport.

Allows a convicting court or the Parole Board to issue a "rehabilitative passport" to a person who has been convicted of no more than one felony, meets certain criteria and is not incarcerated in a state correctional facility. The relief granted must be consistent with the rehabilitation of the person and with the public interest. The rehabilitative passport removes disabilities, forfeitures and bars selected by the court or Parole Board that the person might otherwise face because of his criminal record. There are provisions for revocation of a passport if the person violates certain conditions.

Patron - Byrne

FSB1085 Parole eligibility.

Provides that a person who was sentenced to a life sentence under the three-time-loser law in effect prior to the abolition of parole in 1995 may petition the Parole Board for conditional release if his sentence is based on three robbery convictions where there was no physical injury to the victim, he has served at least 20 years of the sentence imposed and is at least 55 years old.

Patron - Lambert

FSB1254 Good conduct allowance; mandatory functional literacy requirement.

Provides for good conduct allowance for prisoners depending on their performance and conduct in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 50 percent credit for those prisoners with exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate.

Patron - Maxwell

FSB1317 State funds available to local correctional facilities for operating costs.

Requires the Compensation Board to recover the state-funded personnel costs associated with housing federal inmates, District of Columbia inmates, or contract inmates from other states.

Patron - Ruff

Professions and Occupations

Passed

PHB1441 Health regulatory boards; disciplinary procedures and reporting requirements.

Lowens the disciplinary standard for persons licensed by the Boards of Medicine and Physical Therapy from gross negligence to simple negligence. The bill creates a confidential consent agreement that may be used by a health regulatory board (board), in lieu of discipline, only in cases involving minor misconduct where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner. A board shall not be able to use the confidential consent agreement if it believes there is probable cause to believe the practitioner has (i) demonstrated gross negligence or intentional misconduct in the care of patients or (ii) conducted his practice in a manner as to be a danger to patients or the public. Such agreement will include findings of fact and may include an admission or a finding of a violation. Such agreement may be used by a board in future disciplinary proceedings. The bill provides that before reinstatement to practice, a three-year minimum period must elapse after the revocation of the certificate, registration or license of any person regulated by one of the boards; however, individuals who have had their licenses revoked by a health regulatory board are grandfathered and subject to provisions concerning reinstatement in effect prior to July 1, 2003. Existing reporting requirements by hospitals, health care institutions, health professionals and others concerning disciplinary actions, certain disorders, malpractice judgments, and settlements are clarified concerning timing for the reports and the information required to be reported to the Board of Medicine. Civil penalties for failure to report are increased up to a maximum of \$25,000 for hospitals and health care institutions and \$5,000 for all others. Certification, registration and licensure are conditioned upon the payment of such penalties. The confidentiality of the reported information is clarified. In addition, the Department of Health Professions' biennial reporting requirements on disciplinary actions by each of the health regulatory boards is clarified. The Department is given increased authority to regulate unlicensed practice and is directed to investigate all complaints within the jurisdiction of the relevant health regulatory board. This bill is identical to SB 1334.

Patron - Sears

PHB1706 Board of Medicine's guidelines for ethical practice in the performance of surgery and other invasive procedures by interns and residents.

Broadens the Board of Medicine's responsibility for developing guidelines for ethical practice of physicians practicing in emergency rooms, and surgeons, interns and residents practicing in hospitals. This provision adds the Medical Society of Virginia and the Virginia Hospital and Health Care Association to Virginia's medical schools as cooperating parties in the development of these guidelines. The enhanced guidelines address: (i) obtaining informed consent from patients or the next of kin or the legally authorized representative, when the patient is incapable of making an informed decision after the consenting party has been informed as to which physicians, residents, or interns will perform the surgery or other invasive procedure; (ii) the presence of an attending physician during the surgery except in an emergency or other unavoidable situation; (iii) policies to avoid situations in which one person represents that he will perform a surgery or other invasive procedure and then fails to do so; and (iv) policies addressing informed consent and the ethics of appropriate care of patients in the emergency room. Such policies must take into consideration the nonbinding ban developed

by the American Medical Association in 2000 on using newly dead patients as training subjects without the consent of the next of kin or other legal representative.

Patron - Purkey

PHB1749 Board for Contractors; application affidavits. Removes the requirement for applicants to notarize their applications for licensure. The purpose behind the bill is move to on-line acceptance of applications through My Virginia PIN.

Patron - Suit

PHB1792 Defaults on certain educational loans; health care professional and occupational license suspension. Authorizes an obligee to petition the relevant health regulatory board for the suspension of any state-issued license, certificate, registration or other authorization to engage in a health care profession when an obligor is delinquent or in default in the payment of a federal or state guaranteed educational loan or work-conditional scholarship. Thirty days' notice must be given prior to filing the petition. The relevant health regulatory board will order the suspension of the license, certificate, registration or other authorization to engage in the practice of a health profession, when appropriate. The relevant health regulatory board may order reinstatement of the license upon compliance with payment terms by the obligor.

Patron - Tata

PHB1820 Information concerning health professionals; posting of home addresses on the Internet. Mandates that, in order to protect the privacy and security of health professionals, every health regulatory board posting addresses of record for regulated persons to the on-line licensure lookup or any successor in interest thereof on the Internet shall only disclose the city or county provided to the Department of Health Professionals and shall not include any street, rural delivery route or post-office address. However, the street address of facilities regulated by the Boards of Funeral Directors and Embalmers, Nursing, Pharmacy, and Veterinary Medicine shall be posted.

Patron - Morgan

PHB1824 Health professions; pharmacy technicians. Extends from six months to one year after the promulgation of regulations the date pharmacy technicians must register with the Board of Pharmacy. Regulations are scheduled to be adopted by July 1, 2003.

Patron - Morgan

PHB1825 Health professions; pharmacy and the schedule of drugs. Adds dichloralphenazone to Schedule IV and reschedules buprenorphine from Schedule V to Schedule III to conform to recent changes in federal regulation, and to correct and conform the categories of drugs in Schedule III to those in federal regulation by moving nalorphine from the "depressants," which is an incorrect category for this drug, and placing it into its own category.

Patron - Morgan

PHB1870 Transfer or copies of patient records upon the sale or relocation of a practice. Requires practitioners who are relocating a professional practice to notify the patient at his last known address and by newspaper publication of such relocation. Present law requires this notice in the case of a sale of a practice. The notice must also disclose the charges, if any, that will be billed by the practitioner for providing the patient copies of his records. The charges for retrieval, copying, and mailing medical records set forth in § 8.01-413 shall not apply to requests for medical records because of a sale

or relocation of a professional practice. This bill is identical to SB 799.

Patron - O'Bannon

PHB1871 Health professions; multistate nursing compact. Authorizes Virginia's membership in a multistate nursing compact that provides the structure for the reciprocal recognition of other states' licenses to practice as a registered nurse or a licensed practical nurse. The compact also provides for each state's autonomy in setting licensure standards for the persons licensed in their home state as well as in disciplinary proceedings. The bill would provide for a data collection system and increased interaction between party states to help in health care management as well as to provide an effective screening tool for persons who are changing residence and wish to practice nursing in a state that is a party to the Compact. The bill has a delayed effective date of January 1, 2005.

Patron - O'Bannon

PHB1899 Schools of optometry; enrollment funding. Provides by an uncodified act that, at such time as the General Assembly may provide funding to support enrollments of Virginia students in accredited schools of optometry, such funding shall be allocated first to support enrollments of such students at accredited schools of optometry in the Commonwealth.

Patron - Stump

PHB1900 Health professions; practice of dentistry. Clarifies that the all-volunteer, nonprofit organizations providing donated services by dentists and dental hygienists who are not licensed in the Commonwealth may have paid employees and do not have to meet the criteria of providing services "throughout the world." The bill contains an emergency provision.

Patron - Stump

PHB1933 Physical therapist assistants; supervision. Authorizes a physical therapist assistant to perform his duties solely under the direction and control of a licensed physical therapist. Current law requires that a physical therapist assistant perform his duties under the direction and control of both a licensed physical therapist and the patient's physician.

Patron - Nixon

PHB1934 Physical therapists; administration of controlled substances. Authorizes a physical therapist to possess and administer topical controlled substances pursuant to an oral or written order or standing protocol issued by a prescriber.

Patron - Nixon

PHB1941 Board of Barbers and Cosmetology; regulation of hair braiders. Provides for a separate category of licensure for individuals wishing to perform hair-braiding services only. The bill also permits licensed cosmetologists to perform hair braiding without a separate license; exempts from licensure any braider working in a licensed cosmetology salon under the direct supervision of a licensed cosmetologist; and includes a waiver of examination for individuals who apply in the first year and have at least three years of documented work experience, completed a training program satisfactory to the Board, or have a certificate or license as a hair braider from another jurisdiction.

Patron - Drake

PHB2125 Board of Funeral Directors and Embalmers; inspection of crematories. Authorizes the Board of Funeral Directors and Embalmers to inspect both registered crematories and crematories licensed as a funeral service estab-