

Failed

FHB1642 Homestead exemption. Increases the homestead exemption from \$5,000 to \$10,000.

Patron - Orrock

FHB1698 Retirement benefits exempt from creditors. Extends the protections against creditor demands to all moneys in a retirement account to which an employer does not contribute. Under current law, the exemption from creditor demands applies only to that amount of investment in an account that generates an annual benefit in excess of \$17,500. The proviso that the exemption does not apply to demands for child or spousal support is retained.

Patron - Spruill

Hotels, Restaurants, Summer Camps and Campgrounds

Failed

FHB2806 Nudist camps for juveniles. Broadens the definition of “nudist camp for juveniles” to include all such camps, regardless of whether the juvenile’s parent or legal guardian is also registered and present. Under current law, the Board of Health is prohibited from issuing a license to the owner or lessee of any hotel, summer camp, or campground that maintains or conducts as any part of its activities a nudist camp for juveniles.

Patron - Carrico

Housing

Passed

PHB2720 New manufactured homes. Makes several changes to the definition of “new manufactured home,” including provisions that allow a manufactured home to be considered new if it has been previously sold from the original dealer to another dealer and is then sold to a consumer within two years of the date of manufacture.

Patron - Scott, J.M.

PHB2936 Board of Housing and Community Development; regulations; use of natural cut Christmas trees in the common areas of places of worship and in apartment dwelling units that do not have automatic sprinkler systems. Provides that emergency regulations adopted by the Board of Housing and Community Development in accordance with Chapter 138 of the Acts of Assembly of 2004 shall remain in full force and effect until a regulation to replace the emergency regulation is adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) or July 2006, whichever occurs first. This bill incorporates HB 1934.

Patron - Cline

PSB984 Uniform Statewide Building Code and State Fire Prevention Code; applicability to certain transportation assets owned by the Virginia Department of Transportation. Provides that the Uniform Statewide Building Code and the State Fire Prevention Code do not apply to roadway tunnels and bridges owned by the Department of Transporta-

tion. Such structures are to be designed, constructed, and operated in compliance with fire safety standards that are based on nationally recognized model codes and standards. The standards will be developed by the Department in consultation with the State Fire Marshal and approved by the Commonwealth Transportation Board. Under the bill, the Department is required to report annually to the State Fire Marshall on the maintenance and operability of installed fire protection and detection systems in roadway tunnels and on bridges.

Patron - Watkins

Failed

FHB1853 Uniform Statewide Building Code; Board of Housing and Community Development; regulations. Requires the Board of Housing and Community Development to establish standards for the installation of Internet connections in the construction of new multifamily housing or substantial rehabilitation of such housing that is funded with federal or state funds.

Patron - Eisenberg

FHB1934 Board of Housing and Community Development; regulations; use of natural cut Christmas trees in the common areas of places of worship and in apartment dwelling units that do not have automatic sprinkler systems. Provides that regulations adopted by the Board of Housing and Community Development in accordance with Chapter 138 of the Acts of Assembly of 2004 shall remain in full force and effect until a regulation to replace the emergency regulation is adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) or July 2006, whichever occurs first. This bill has been incorporated into HB 2936.

Patron - Shannon

FHB1992 Virginia Fair Housing Law; evidence of unlawful discriminatory 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 is prima facie evidence of an illegal preference. The bill also eliminates the prohibition against use of a general disclaimer to overcome the prima facie evidence.

Patron - Griffith

FHB2439 Uniform Statewide Building Code; Board of Housing and Community Development; wind requirements. Requires the Board of Housing and Community Development to adopt regulations exempting residential buildings located in the Counties of Grayson and Smyth from wind requirements for windows.

Patron - Carrico

FHB2590 Uniform Statewide Building Code; definitions; farm building or structure. Amends the definition of “farm building or structure” to include buildings formerly used for commercial poultry production and converted to commercial storage areas for machinery, vehicles, equipment, or supplies normally used in farming operations. Such commercial storage area must not be open to the public and must not have employees regularly stationed therein. This bill is identical to SB 788.

Patron - Weatherholtz

FSB788 Uniform Statewide Building Code; definitions; farm building or structure. Amends the definition of “farm building or structure” to include buildings formerly used for commercial poultry production and converted to commer-

cial storage areas for machinery, vehicles, equipment, or supplies normally used in farming operations. Such commercial storage areas must not be open to the public and must not have employees regularly stationed therein. This bill is identical to HB 2590.

Patron - Obenshain

SB1269 Housing Authorities Law; exercise of eminent domain to acquire blighted commercial properties. Authorizes housing authorities to acquire blighted commercial and industrial properties through the power of exercise of eminent domain. Currently, housing authorities may exercise such power for single- or multifamily dwelling units or structures.

Patron - Locke

Institutions for the Mentally Ill; Mental Health Generally

Passed

HB578 Use of electronic communication for certain filings; parties and witnesses. Provides that petitions and orders for emergency custody, temporary detention, and involuntary commitment of minors may be filed, issued, served, or executed by electronic means, with or without the use of two-way electronic video and audio communication. The bill also allows petitions and orders for emergency custody of adults, temporary detention of adults, emergency custody and temporary detention of adults in judicial authorization of treatment proceedings, and emergency custody of conditionally released persons to be filed, issued, served, or executed by electronic means, with or without the use of two-way electronic video and audio communication. The bill provides for party and witness testimony through two-way electronic video and audio communication in such proceedings. Finally, the bill allows a witness to testify using a telephonic communication system when his testimony would be helpful to the conduct of such proceedings and he is not able to be physically present.

Patron - Hamilton

HB1778 Providers of treatment for persons with opiate addiction; standards required; moratorium. Requires the State Mental Health, Mental Retardation and Substance Abuse Services Board to establish standards to evaluate the need and appropriateness for the issuance of new licenses to providers of treatment for persons with opiate addiction. The standards will include various criteria relating to the number of persons needing such treatment in the service area, the proposed site of the clinic, the existing access to such treatment, the geographic and demographic parameters of the service area, and the proposed clinic's security and accountability measures. A moratorium on the issuance of new licenses for providers of treatment for persons with opiate addiction is established from the enactment date of this act until the date on which the standards become effective. The Board is authorized to promulgate emergency regulations. This bill is identical to SB 753.

Patron - Kilgore

HB1938 Community services boards and behavioral health authorities. Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to transfer appropriated funds for mental health, mental retardation, and substance abuse services directly to operating community services boards and behavioral health authorities. Operating community services boards

must be authorized by each local governing body that established it to receive funds directly from the DMHMRSAS.

Patron - O'Bannon

HB1997 Civil commitment of sexually violent predators. Makes numerous changes authorizing the release of various information concerning the offender to the Attorney General, mental health examiners and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The bill provides that the Office of the Attorney General is a criminal justice agency. The bill increases the number of prisoners eligible for commitment by providing that someone who is serving concurrent or consecutive time for a non-sexually violent offense in addition to his time for a sexually violent offense will be assessed for possible commitment. The bill redefines "sexually violent offense" to include the commission of aggravated sexual battery against a person younger than 13 and assures that a committed person who commits a jailable offense will be returned to the custody of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Patron - Griffith

HB2110 Involuntary commitment process for persons with mental illness; standard of proof. Provides that the judge must apply the standard of "clear and convincing evidence" during an involuntary commitment hearing for persons with mental illness. Current law requires the judge to make specific findings before issuing an order for involuntary commitment, but does not set forth a standard of proof for the judge to apply when considering the evidence.

Patron - McQuigg

HB2514 Disclosure of patient information by certain health care providers. Repeals provisions governing disclosure of patient information to third party payors by mental health, mental retardation, and substance abuse professionals. This bill is a recommendation of the Joint Commission on Health Care. This bill is identical to SB 1110.

Patron - O'Bannon

HB2796 Suicide prevention; lead agency. Provides that the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) will be the lead agency for suicide prevention across the lifespan. DMHMRSAS will coordinate the activities of the agencies of the Commonwealth pertaining to suicide prevention in order to develop and carry out a comprehensive suicide prevention plan addressing public awareness, the promotion of health development, early identification, intervention and treatment, and support to survivors. The Department of Health will continue to be responsible for youth suicide prevention. This bill is identical to SB 889.

Patron - Baskerville

HB2826 Brain Injury Waiver; licensing authority. Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to license providers of services under the Medicaid Brain Injury Waiver and providers of residential services for persons with brain injury. The bill defines "brain injury" for waiver purposes and requires the Department of Rehabilitative Services to collaborate with DMHMRSAS in activities related to the licensing of Brain Injury Waiver service providers. The bill requires the State Board of Mental Health, Mental Retardation and Substance Abuse Services to promulgate necessary regulations within 280 days of enactment. This bill is identical to SB 1237.

Patron - Orrock

P HB2870 State and local human rights committees. Requires that at least one appointment to the state human rights committee and each local human rights committee must be a health care provider. These committees address alleged violations of human rights of consumers of public and private mental health, mental retardation and substance abuse services.

Patron - Lewis

P HB2881 Summary suspension of licenses of certain children's group homes and residential facilities; penalty. Authorizes the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to issue an order of summary suspension of a license to operate a group home or residential facility for children, including homes or facilities licensed under core licensure regulations, in cases of immediate and substantial threat to the health, safety, and welfare of residents. The bill includes authority for emergency regulations. The Executive Secretary of the Supreme Court and the Department of Mental Health, Mental Retardation and Substance Abuse Services must establish a protocol for the expedited appointment of a hearing officer for the summary suspension of licenses in accordance with the provisions of this act. This bill is identical to SB 1333.

Patron - Nixon

P SB719 Public guardian and conservator program. Provides that if a person is adjudicated incapacitated and in need of a guardian or conservator and the court has not identified any person to serve as guardian or conservator within one month from the adjudication, the court may appoint a local or regional program of the Virginia Public Guardian and Conservator Program authorized by the Department for the Aging. If there is no program within the court's jurisdiction, the court may appoint a program within 60 miles of the residence of the incapacitated person. However, the court shall not appoint any program that has reached or exceeded its ideal ratio of clients to staff.

Patron - Edwards

P SB741 Substance Abuse Services Council; membership. Adds six new members to the Substance Abuse Services Council, as follows: one member representing the Virginia Drug Courts Association, the Commissioner of the Department of Motor Vehicles, the Director of the Department of Medical Assistance Services, the chief Operating Officer of the Department of Alcoholic Beverage Control, the Executive Director of the Governor's Office for Substance Abuse Prevention or his designee, and the Executive Director of the Virginia Tobacco Settlement Foundation or his designee. This bill incorporates SB 1025.

Patron - Reynolds

P SB753 Providers of treatment for persons with opiate addiction; standards required; moratorium. Requires the State Mental Health, Mental Retardation and Substance Abuse Services Board to establish standards to evaluate the need and appropriateness for the issuance of new licenses to providers of treatment for persons with opiate addiction. The standards will include various criteria relating to the number of persons needing such treatment in the service area, the proposed site of the clinic, the existing access to such treatment, the geographic and demographic parameters of the service area, and the proposed clinic's security and accountability measures. A moratorium on the issuance of new licenses for providers of treatment for persons with opiate addiction is established from the enactment date of this act until the date on which the standards become effective. The Board is authorized

to promulgate emergency regulations. This bill will become effective upon enactment.

Patron - Wampler

P SB889 Suicide prevention; lead agency. Provides that the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) will be the lead agency for suicide prevention across the lifespan. DMHMRSAS will coordinate the activities of the agencies of the Commonwealth pertaining to suicide prevention in order to develop and carry out a comprehensive suicide prevention plan addressing public awareness, the promotion of health development, early identification, intervention and treatment, and support to survivors. The Department of Health will continue to be responsible for youth suicide prevention. This bill is identical to HB 2796.

Patron - Mims

P SB1017 Judicial authorization of treatment and detention. Clarifies the provisions relating to judicial authorization of treatment. The bill defines "treatment" to include "the provision, withholding, or withdrawal of a specific treatment or course of treatment" when certain conditions are satisfied, such as the unavailability of a legally authorized representative, the incapacity of the person who is the subject of the petition to make an informed decision and unlikely prospect of the person to become capable of making an informed decision. The proposed treatment must be in the best interest of the patient and "medically and ethically appropriate with respect to (i) the medical diagnosis and prognosis and (ii) any other information provided by the attending physician of the person for whom treatment is sought." Further, the court's authority to dispense with service of the petition and notice of the hearing to the next of kin for persons who are patients in hospitals or facilities of the Department of Mental Health, Mental Retardation and Substance Abuse Services is simplified by adding the condition that such patients have "no known guardian or legally authorized representative at the time" and authorizing dispensing of notice to the next of kin when "treatment is necessary to prevent imminent or irreversible harm." Palliative care may also be ordered. Technical amendments are included.

Patron - Mims

P SB1023 Recodification of Title 37.1; persons with mental illness, mental retardation, or substance abuse. Recodifies Title 37.1 as Title 37.2. In accordance with § 30-152, the Virginia Code Commission, in 2003, undertook the recodification of Title 37.1. Title 37.1 is the legal authority for the Department of Mental Health, Mental Retardation and Substance Abuse Services under the Secretariat of Health and Human Resources, as well as the Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Title 37.1 is also the legal authority for community services boards and behavioral health authorities. The title was last revised in 1968. During the past 37 years, much has happened to affect laws governing mental health, mental retardation, and substance abuse services. The Virginia Code Commission has rewritten and combined sections or parts of sections to clarify provisions and to eliminate archaic, obsolete, or redundant language. Additionally, certain substantive changes are made, many of which reflect current practices, delete eliminated programs, or conform provisions to other statutes and regulations. The Virginia Code Commission has divided Title 37.2 into four subtitles. Subtitle I contains general provisions applicable to the entire title. The title-wide definitions are included as general provisions. Subtitle II deals with mental health, mental retardation, and substance abuse services. A newly created chapter within Subtitle II consolidates sections related to state facilities that were previously scattered throughout Title 37.1. Subtitle III contains chapters related to

admissions and dispositions. Subtitle IV contains guardianship, conservatorship, and judicial authorization of treatment provisions. Current §§ 37.1-207 and 37.1-207.1, relating to the Substance Abuse Services Council are relocated to Title 2.2 (Administration of Government) as part of the title revision. This executive branch advisory council coordinates the Commonwealth's public and private efforts to control substance abuse and it is more appropriately placed in this general government title. Two current chapters are not carried forward as part of Title 37.2 and will be repealed: Chapter 3 (Persons Not Confined to State Hospitals) and Chapter 7 (Extradition of Persons of Unsound Minds). Both chapters are obsolete.

Patron - Mims

SB1110 Disclosure of patient information by certain health care providers. Repeals provisions governing disclosure of patient information to third party payors by mental health, mental retardation, and substance abuse professionals. This bill is a recommendation of the Joint Commission on Health Care. This bill is identical to HB 2514.

Patron - Blevins

SB1237 Brain Injury Waiver; licensing authority. Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to license providers of services under the Medicaid Brain Injury Waiver and providers of residential services for persons with brain injury. The bill defines "brain injury" for waiver purposes and requires the Department of Rehabilitative Services to collaborate with DMHMRSAS in activities related to the licensing of Brain Injury Waiver service providers. The bill requires the State Board of Mental Health, Mental Retardation and Substance Abuse Services to promulgate necessary regulations within 280 days of enactment. This bill is identical to HB 2826.

Patron - Puller

SB1333 Summary suspension of licenses of certain children's group homes and residential facilities; penalty. Authorizes the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to issue an order of summary suspension of a license to operate a group home or residential facility for children, including homes or facilities licensed under core licensure regulations, in cases of immediate and substantial threat to the health, safety, and welfare of residents. The bill includes authority for emergency regulations. The Executive Secretary of the Supreme Court and the Department of Mental Health, Mental Retardation and Substance Abuse Services must establish a protocol for the expedited appointment of a hearing officer for the summary suspension of licenses in accordance with the provisions of this act. This bill is identical to HB 2881.

Patron - Martin

Failed

HB2009 Criminal background checks; behavioral health employees. Increases the number of misdemeanor assault convictions from no more than one to no more than two that are permitted before an employee is barred from working for a community services board, behavioral health authority, or agency licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. Such conviction must have occurred more than 10 years ago and not while employed in a direct consumer position.

Patron - Armstrong

HB2139 Criminal history background checks. Allows a (i) provider licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, (ii)

community services board, or (iii) behavioral health authority that has submitted a request for a national criminal history record report on an applicant to employ the applicant while awaiting a response.

Patron - Purkey

HB2551 Definition of mental illness not to include dementia or Alzheimer's disease for certain purposes. Amends the definition of "mentally ill" in Title 37.1 of the Code to exclude persons with a primary diagnosis of dementia or Alzheimer's disease, for the purposes of the voluntary and involuntary admissions procedures in Chapter 2 of Title 37.1.

Patron - Moran

SB853 Voluntary treatment. Authorizes juveniles age 14 and older who have the consent of their parent to be admitted voluntarily to state hospitals (Department of Mental Health, Mental Retardation and Substance Abuse Services) for treatment.

Patron - Cuccinelli

SB1025 Substance Abuse Services Council; membership. Adds six new members to the Substance Abuse Services Council, as follows: one member representing the Virginia Drug Courts Association, the Commissioner of the Department of Motor Vehicles, the Director of the Department of Medical Assistance Services, the Chief Operating Officer of the Department of Alcoholic Beverage Control, the Executive Director of the Governor's Office for Substance Abuse Prevention or his designee, and the Executive Director of the Virginia Tobacco Settlement Foundation or his designee. This bill has been incorporated into SB 741.

Patron - Newman

SB1050 Health; appointment of ombudsman for incapacitated seniors. Authorizes a court, following the appointment of a guardian for incapacitated persons aged 60 or over, to appoint an ombudsman to serve as an intermediary to protect the interests of persons subject to the guardianship order. The entity with whom the Department for the Aging contracts to provide long-term care ombudsmen must establish a system for voluntary ombudsman services acting as intermediary for such persons subject to guardianship orders.

Patron - Wagner

Insurance

Passed

HB814 Insurance; homeowners; cancellation or nonrenewal; claims inquiries. Prohibits an insurer from canceling or refusing to renew homeowners insurance policies based solely on inquiries from insureds about insurance coverage or policy provisions. The measure does not apply to notifying the insurer of a loss, incident or accident, or providing information indicating an increase in the hazard insured against. Insurers are prohibited from reporting inquiries to any loss history database maintained by a consumer reporting agency or insurance support organization.

Patron - Eisenberg

HB1492 Health savings accounts. Requires the Department of Taxation and the State Corporation Commission to amend the Virginia Medical Savings Account Plan to address the provisions of federal law that permit eligible individuals to establish health savings accounts. The revised plan, to be called the Virginia Health Savings Account Plan, is

required to identify measures that will increase the utilization and efficacy of health savings accounts. Existing medical savings accounts may be converted to health savings accounts. Health carriers are expressly authorized to offer high deductible health plans that qualify for and may be offered in conjunction with health savings accounts. Banks, savings institutions, and credit unions are authorized to act as trustees of health savings accounts. No later than July 1, 2006, the health insurance plan for state employees is required to include, as one of the health coverage options offered in each planning district, a high deductible health plan that would qualify for a health savings account. The 2003 federal Medicare legislation authorizes eligible individuals who purchase a high deductible health plan to make tax-deductible contributions into a health savings account, generally up to the amount of the health plan's deductible, and to make tax-free withdrawals from the health savings account to pay for qualified medical expenses. The measure also repeals provisions relating to the establishment of the Virginia Medical Savings Account Plan and the role of the Joint Commission on Health Care in monitoring the Plan. This bill is identical to SB 1097.

Patron - Hamilton

HB1505 Birth-Related Neurological Injury Compensation Program. Establishes that the Birth-Related Neurological Injury Compensation Program's response to a claimant's petition is not due until 10 days after the three-physician panel's report is filed with the Workers' Compensation Commission. Upon the filing of the Program's response, the Commission shall set the hearing date, which shall be no sooner than 15 and no later than 90 days after the filing of the Program's response. This bill is identical to SB 1323.

Patron - Tata

HB1663 Insurance for unregistered motor vehicles. Authorizes insurance on any motor vehicle, trailer or semi-trailer that is exempt from motor vehicle registration requirements to be written under a policy other than a motor vehicle insurance policy. Such registration-exempt vehicles remain exempt from the liability insurance requirements that apply to registered motor vehicles. Currently, an owner who elects to insure a registration-exempt vehicle that is designed for use on public roads must, with some exceptions, insure it under a motor vehicle insurance policy. This measure, by providing that policies covering such vehicles are exempt from the requirements applicable to motor vehicle insurance generally, allows such vehicles to be insured under a general liability policy or farm policy.

Patron - Lingamfelter

HB1882 Miscellaneous casualty insurance; notices; policy provisions. Requires insurers to deliver written notice of cancellation, renewal, reduction in coverage, or certain rate increases to the named insured under policies of miscellaneous casualty insurance issued to a business entity. Miscellaneous casualty policies insure against liability, and against loss, damage, or expense arising out of injury to the economic interests of any person. The measure also requires policies insuring against liability for injury to the economic interests of any person to include provisions regarding the insolvency or bankruptcy of the insurer and when an action may be maintained by the insured against the insurer.

Patron - Hargrove

HB2143 Notices of health insurance premium increase. Requires a health insurer, issuer of subscription contracts, or health maintenance organization to provide the required notice of an increase in premium that exceeds 35 percent of the annual premium to the designated consultant or other agent of the group policyholder, contract holder, or sub-

scriber, if requested in writing. Currently, the notice is required to be given at least 60 days prior to the proposed renewal of coverage to the policyholder, contract holder, or subscriber.

Patron - Joannou

HB2219 Insurance rates; policies acquired from other insurers. Clarifies that an insurer may cap the renewal rates for policies that have been transferred from another insurer pursuant to a merger, acquisition, or sale, to the same extent that such rates may be capped for policyholders whose coverage is continued by that insurer.

Patron - Hargrove

HB2410 Medical malpractice insurance; notice of policy changes. Requires insurers to provide no less than 90 days' notice of a cancellation or non-renewal of, or a premium increase of more than 25 percent for, a medical malpractice insurance policy. If cancellation or non-renewal of such a policy is for nonpayment of the premium, the cancellation or non-renewal will be effective not less than 15 days from the date of mailing or delivery of the notice. For all other liability insurance policies, 45 days' notice of a 25 percent increase in the premium, rather than in the filed rate, is required.

Patron - Rust

HB2681 Disclosure of insurance information; natural disaster damage assessments. Permits the disclosure to state, federal, and local government officials of certain aggregated information involving property damage resulting from natural disasters.

Patron - Lingamfelter

HB2766 Life insurance; insurable interests. Eliminates a provision that currently allows a person to procure an insurance contract upon another individual when the benefits are payable to a beneficiary designated by the insured, if the beneficiary did not have an insurable interest in the insured when the contract was made. The measure provides that a lawful and substantial economic interest, which constitutes an insurable interest, is deemed to exist in parties to a contract for the purchase or sale of a business firm or in trustees of certain trusts. The measure does not apply to life insurance policies or contracts where, prior to December 31, 2004, a Virginia-headquartered charitable organization executed a nondisclosure and exclusivity agreement and was the holder of a charitable certificate issued prior to that date, if the policies or contracts are written on individuals who were donors to such a charitable organization or an organization under common control with the charitable organization. This bill is identical to SB 1227.

Patron - Griffith

HB2821 Title insurance risk rates. Authorizes title insurance companies to charge risk rates that it negotiates with a potential insured. Such rates shall be presumed not to be unfairly discriminatory if they are sufficient to furnish a reasonable margin for profit after provision for probable losses, exposure to loss under policies, allocations to reserves, costs of participating insurance, operating costs and other items of expense fairly attributable to the operation of the business, and are not unfairly discriminatory between risks involving essentially the same hazards and expense elements.

Patron - Suit

SB864 Availability of individual health insurance coverage. Prohibits health insurers from imposing affiliation periods on eligible individuals in the individual accident and sickness insurance market. Such insurance is currently guaranteed to be available to eligible individuals with prior coverage. The measure is required to conform Virginia law with federal

regulations issued under the Health Insurance Portability and Accountability Act.

Patron - Miller

SB904 Health insurance; claims paid to insureds for services rendered by non-participating providers. Requires health insurers, health services plans and health maintenance organizations that send payment to the insured, subscriber or enrollee for services received from a non-participating physician or osteopath to notify the insured, subscriber or enrollee of the responsibility to apply the payment to the claim from the non-participating provider. The notice is required to include the last known address of the non-participating provider on the explanation of benefits statement. This notice provision is effective January 1, 2006, for health insurers, health services plans and health maintenance organizations with no more than 500,000 insureds, subscribers or enrollees. A similar requirement is applicable to the state employees' health insurance plan.

Patron - Norment

SB913 Insurance rates; large commercial risks. Revises the criteria for qualification as a large commercial risk by reducing the eligibility threshold for net worth from \$10 million to \$2 million; for annual revenues from \$25 million to \$2 million; for full time employees from 80 to 10; for aggregate insurance payments from \$100,000 to \$25,000; and for annual budgeting expenditures for nonprofit organizations or public bodies from \$10 million to \$5 million.

Patron - Norment

SB1059 Insurance collateral deposited with State Treasurer. Authorizes the State Treasurer to assess a fee, to be determined annually based on estimated expenses, to cover the expenses associated with the safekeeping and handling of securities or surety bonds deposited with the State Treasurer by insurance companies. The fee shall not exceed one-fourth of one percent of the par or face value of the deposited securities or surety bonds. Currently, the State Treasurer may charge a fee of not more than one-tenth of one percent of the par or face value of the deposited securities or surety bonds. The assessments will be deposited in a special, nonreverting fund to be known as the Insurance Collateral Assessment Fund.

Patron - Wagner

SB1097 Health savings accounts. Requires the Department of Taxation and the State Corporation Commission to amend the Virginia Medical Savings Account Plan to address the provisions of federal law that permit eligible individuals to establish health savings accounts. The revised plan, to be called the Virginia Health Savings Account Plan, is required to identify measures that will increase the utilization and efficacy of health savings accounts. Existing medical savings accounts may be converted to health savings accounts. Health carriers are expressly authorized to offer high deductible health plans that qualify for and may be offered in conjunction with health savings accounts. Banks, savings institutions, and credit unions are authorized to act as trustees of health savings accounts. No later than July 1, 2006, the health insurance plan for state employees is required to include, as one of the health coverage options offered in each planning district, a high deductible health plan that would qualify for a health savings account. The 2003 federal Medicare legislation authorizes eligible individuals who purchase a high deductible health plan to make tax-deductible contributions into a health savings account, generally up to the amount of the health plan's deductible, and to make tax-free withdrawals from the health savings account to pay for qualified medical expenses. The measure also repeals provisions relating to the establishment of the Virginia Medical Savings Account Plan

and the role of the Joint Commission on Health Care in monitoring the Plan. This bill is identical to HB 1492.

Patron - Martin

SB1106 Health insurance carriers; ethics and fairness in business practices. Requires health insurance carriers that bundle or downcode claims submitted by a provider to disclose that practice to the provider. Carriers are also required to disclose their bundling or downcoding policies. Other provisions require carriers to establish in writing their claims payment dispute mechanism and make the information available to providers. The measure also provides that an amendment to a contract shall not be effective unless the proposed amendment is delivered to the provider at least 60 days prior to its effective date and the provider has failed to notify the carrier within 30 days of receipt of the documentation that the provider intends to terminate the provider's contract. The measure applies to provider contracts entered into, amended, extended, or renewed on or after January 1, 2006.

Patron - Saslaw

SB1227 Life insurance; insurable interests. Eliminates a provision that currently allows a person to procure an insurance contract upon another individual when the benefits are payable to a beneficiary designated by the insured, if the beneficiary did not have an insurable interest in the insured when the contract was made. The measure provides that a lawful and substantial economic interest, which constitutes an insurable interest, is deemed to exist in parties to a contract for the purchase or sale of a business firm or in trustees of certain trusts. The measure does not apply to life insurance policies or contracts where, prior to December 31, 2004, a Virginia-headquartered charitable organization executed a nondisclosure and exclusivity agreement and was the holder of a charitable certificate issued prior to that date, if the policies or contracts are written on individuals who were donors to such a charitable organization or an organization under common control with the charitable organization. This bill is identical to HB 2766.

Patron - Stosch

SB1260 Motor vehicle, aircraft, and watercraft liability insurance policies. Authorizes a liability insurer to limit its liability, under an insurance policy covering bodily injury or property damage, for injury or damage resulting from any one accident or occurrence to the liability limits for such coverage set forth in the policy for any accident or occurrence or for any one person. The measure also provides that if an accident or occurrence involves more than one defendant who is covered by the policy, the plaintiff may recover the per person limit of the policy against each defendant, subject to the policy's per accident or occurrence limit.

Patron - Norment

SB1323 Birth-Related Neurological Injury Compensation Program. Establishes that the Birth-Related Neurological Injury Compensation Program's response to a claimant's petition is not due until 10 days after the three-physician panel's report is filed with the Workers' Compensation Commission. Upon the filing of the Program's response, the Commission shall set the hearing date, which shall be no sooner than 15 and no later than 90 days after the filing of the Program's response. This bill is identical to HB 1505.

Patron - Devolites Davis

SB1338 Group accident and sickness insurance coverage. Allows coverage under a group accident and sickness insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyholder.

Patron - Howell

Failed

HB1545 Motor vehicle insurance; limited tort option. Requires insurers to allow insureds to elect to obtain limited tort motor vehicle insurance policies under which the named insured and members of the named insured's household are precluded from maintaining an action for pain and suffering and other noneconomic loss sustained in a motor vehicle accident as the result of another person's fault, unless the person responsible for the accident is convicted of driving under the influence in the accident, is operating a vehicle registered in another state, or has not maintained liability insurance on his vehicle. Insurers shall allow an appropriate reduction in premiums for persons who elect to obtain such limited insurance policies.

Patron - Frederick

HB1553 Life insurance; payment of benefits to designee of beneficiary. Authorizes the named beneficiary of record of an individual life insurance policy to designate one or more persons to receive all or a portion of the proceeds of the policy to which the beneficiary is entitled, unless otherwise prohibited by law or the terms of the policy. The insurer shall honor such designation if it is in writing, signed by the beneficiary, attested by a notary public, and received by the insurer prior to paying the proceeds to the beneficiary.

Patron - Alexander

HB1629 Health insurance; mandated coverage for prescription contraceptives. Requires health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations, whose policies, contracts, or plans include prescription drugs on an outpatient basis, to include coverage for any prescribed drug or device approved by the United States Food and Drug Administration for use as a contraceptive.

Patron - Van Yahres

HB1740 Health insurance; mandated coverage for hearing aids for minors. 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 when a licensed audiologist prescribes such hearing aids and related services. The coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,500, every 24 months.

Patron - Cosgrove

HB1772 Homeowners insurance; grounds for non-renewals. Prohibits an insurer or agent from refusing to renew a homeowner's insurance policy after the homeowner is insured with such insurer for seven years or longer, solely because of a claim resulting primarily from other than natural causes, unless the claim is the result of a substantial increase, subsequent to the date the policy was issued or renewed, in the risk of loss that the insurer assumed under the policy. A substantial increase in risk of loss includes physical changes that result in the property becoming uninsurable, criminal conduct that increases the probability that an insured peril will occur, and reckless acts or omissions that increase the probability that a peril insured against will occur.

Patron - Dillard

HB1903 Medical malpractice claims; reporting. Reinstates a requirement that medical malpractice liability insurers submit annual reports to the State Corporation Commission containing information regarding claims made against

health care providers. This bill has been incorporated into HB 2659.

Patron - Baskerville

HB1936 Health insurance; state health care plan; mandated coverage for treatment of morbid obesity. Requires health insurers, health maintenance organizations, corporations providing health care coverage subscription contracts, and the state health insurance plan to provide coverage for treatment of morbid obesity. Currently, these entities are required to offer and make available coverage for this treatment.

Patron - O'Bannon

HB1949 Insurance for unregistered motor vehicles. Exempts bodily injury and property damage insurance coverage on a motor vehicle, trailer, or semi-trailer that is exempt from motor vehicle registration requirements, including vehicles used exclusively for agricultural purposes, from requirements that generally apply to liability insurance policies. Such registration-exempt vehicles remain exempt from the liability insurance requirements that apply to registered motor vehicles. Currently, an owner who elects to insure a registration-exempt vehicle that is designed for use on public roads must, with some exceptions, insure it under a motor vehicle insurance policy. This measure allows such vehicles to be insured under a general liability policy.

Patron - Saxman

HB1953 Insurance; medical malpractice claims. Requires all insurers or health care providers to provide annual reports to the State Corporation Commission's Commissioner of Insurance relating to medical malpractice claims. The report shall include, among other things, the nature of the claim and the damages asserted, the principal medical and legal issues, and the amount of the settlement or judgment awarded to the claimant to the extent the amount is known. The report shall include a statistical summary of the information collected in addition to an individual report on each claim.

Patron - Kilgore

HB2011 Health insurance; mandated coverage for treatment of inborn errors of metabolism. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for treatment of inborn errors of metabolism that involve amino acid, carbohydrate, and fat metabolism and for which medically standard methods of diagnosis, treatment, and monitoring exist.

Patron - Armstrong

HB2077 Health insurance; mandated coverage for habilitative services for children. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for habilitative services for persons younger than 19 years.

Patron - Plum

HB2135 Motor vehicle insurance policies; access to recorded data; penalties. Prohibits motor vehicle insurers from including in policies any provision that authorizes the insurer to obtain access to data that is electronically stored in an electronic data recording system in the motor vehicle.

Patron - Gear

HB2147 Motor vehicle insurance; diminished value coverage. Provides that motor vehicle insurance includes coverage for the diminution in the value of a motor vehicle, which is the amount, if any, by which the value of the

vehicle prior to a collision exceeded its value after collision repairs are completed.

Patron - Amundson

HB2184 Viatical settlement brokers. Establishes criteria under which life and annuities insurance agents will be deemed to have met the requirements for obtaining a viatical settlement broker's license.

Patron - Hargrove

HB2225 Homeowners insurance; exclusion for inherently hazardous object or condition. Authorizes the issuer of a homeowner's policy, with the insured's written consent, to exclude from coverage any portion of the risk that may reasonably be classified by the insurer as an inherently hazardous object or condition of the property.

Patron - Rust

HB2251 Prescription drug utilization review programs. Requires any health insurer, subscription plan or health maintenance organization with a policy that includes prescription drug coverage to institute a prescription drug utilization review program, pursuant to which it is required to conduct a prospective drug review before it approves coverage for a new prescription. The review shall involve screening for drug interactions, incorrect dosage, and other potential drug therapy problems. If the review indicates that a potential drug therapy problem may exist, it shall not approve coverage for the new prescription until it notifies the covered individual and his pharmacist of the potential problem.

Patron - Bell

HB2345 Health Care Voluntary Purchasing Alliance Act. Authorizes the establishment of a state-administered purchasing alliance program, through which small employers may purchase health insurance coverage for employees. The Health Care Voluntary Purchasing Authority is established to offer the program. Small employers, defined as employing between two and 50 employees, may join together to purchase health insurance through the program. The Authority is authorized to contract with qualified group health insurance carriers to provide health insurance plans to participating small employers.

Patron - Hall

HB2349 Health insurance; explanation of benefits. Requires that the explanation of benefits set forth the benefits payable under the contract in a manner understandable to the consumer and provide the consumer with timely notice of the action on the claim. The explanation of benefits process must also be designed to avoid delivery to the consumer of confusing and redundant notices on the same claim. The Commissioner of Insurance must issue regulations on these matters.

Patron - Marshall, R.G.

HB2445 Home protection insurance contracts; extended service contracts. Exempts maintenance contracts from the Extended Service Contract Act. The measure also specifies that built-in household appliances, mechanical, plumbing, and electrical systems are consumer products subject to the Act, and provides that extended service contracts include agreements under which the purchaser is indemnified against the cost of repair or replacement of consumer products that fail due to normal wear and tear. The registration and renewal fee under the Act is increased from \$100 to \$300. The measure allows obligors to demonstrate financial responsibility by maintaining a funded reserve account of not less than 40 percent of the gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts.

Patron - Suit

HB2485 Rural health initiative; medical malpractice liability insurance program. Directs the Division of Risk Management to establish a medical malpractice liability insurance program for physicians who maintain a primary care practice generally open to the public in a locality where 50 percent or more of the households have an annual gross income that is less than 200 percent of the federal poverty level. In addition, at least 50 percent of the practice's patients must receive care under the Medicaid or Medicare programs, a majority of the physician's practice must be in Virginia, and the physician must comply with such other criteria as the Division establishes. The monthly premium for the insurance will not exceed \$100 per month. Participation in the plan will be limited to the number of qualified physicians that appropriated funds will allow. The measure is contingent upon the appropriation of sufficient funds to establish the program.

Patron - Petersen

HB2525 Health insurance; mandated coverage for ambulance services. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for ambulance services involving the transportation of a covered person to an acute care facility, trauma center, or burn facility, when the transportation is medically appropriate as the result of the person's sustaining an urgent or life-threatening injury, burn, or other medical emergency.

Patron - O'Bannon

HB2633 Medical malpractice; certification. Requires plaintiffs in medical malpractice cases to obtain, prior to filing suit, an opinion that the defendant for whom service of process is requested deviated from the applicable standard of care and that such deviation caused injury to the plaintiff. This bill has been incorporated into HB 2659.

Patron - Moran

HB2718 Reporting medical malpractice claims to State Corporation Commission. Requires medical malpractice liability insurers to submit annual reports to the State Corporation Commission stating information regarding closed claims made against health care providers.

Patron - Morgan

HB2785 Accident and sickness insurance; legal custody. Allows group health insurance policies to provide coverage for a child under age 19 if an insured group member has legal custody of the child.

Patron - Hogan

HB2824 Insurance; extended service contracts. Excludes from the definition of insurance the making of an extended service contract by a wholly-owned subsidiary of a manufacturer, seller, lessor, or builder of a product or service, if the subsidiary has an insurance policy providing coverage for the making of the extended service contract and persons making claims under the extended service contract are entitled to make a direct claim against the insurer if a claim is not paid within 60 days after proof of loss is filed.

Patron - Griffith

HB2898 Passenger rail service liability. Authorizes any agency or political subdivision of the Commonwealth that provides public rail transportation services to contract with a railroad company to allocate financial responsibility for claims related to passenger rail services. The agency or political subdivision shall maintain a liability insurance policy with limits of not less than \$200 million per incident or accident. The measure caps the aggregate liability of the agency or political sub-

division and the railroad company for claims arising from a single accident or incident related to passenger rail services at the greater of \$200 million per incident or accident or the proceeds available from the insurance policy.

Patron - Janis

FSB860 Health insurance; mandated coverage for prescription contraceptives. Requires health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations whose policies, contracts, or plans include prescription drugs on an outpatient basis, to include coverage for any prescribed drug or device approved by the United States Food and Drug Administration for use as a contraceptive.

Patron - Howell

FSB982 Title insurance rates; penalties. Prohibits title insurance companies, agencies, and agents from making or issuing a title insurance policy or contract except in accordance with the rate of premium, policy fee, or other charge that is published by the title insurance company. Title insurance companies are required to publish their risk rates, and to separately state, but not to publish, charges for separate or related services or for examining titles. A title insurance company, agency, or agent that fails to publish its risk rates, or issues a policy not in accordance with its published risk rates, may be assessed a penalty in an amount equal to the premium that should have been charged for the transaction based on the risk rates in use at the time of the transaction.

Patron - Watkins

FSB1032 Health insurance; state health care plan; mandated coverage for treatment of morbid obesity. Requires health insurers, health maintenance organizations, corporations providing health care coverage subscription contracts, and the state health insurance plan to provide coverage for treatment of morbid obesity. Currently, these entities are required to offer and make available coverage for this treatment.

Patron - Lambert

FSB1037 Group health insurance; misreporting of claims experience data; civil penalty. Prohibits the issuer of a group health insurance plan from misreporting claims data about a group policyholder to another insurer, corporation, or health maintenance organization in a manner or to an extent that prevents or materially impedes the group policyholder's ability to conduct a fair bidding process for group health coverage. The Bureau of Insurance is authorized to audit the claims experience data reported to other health insurers, and to give the group policyholder a copy of the results of the audit.

Patron - Ruff

FSB1049 Health insurance; optional coverage for developmental delay treatment. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to offer and make available coverage for the treatment of developmental delay.

Patron - Wagner

FSB1265 Communication of health insurance documents. Authorizes health insurers to provide explanations of benefits, individual certificates, and evidence of coverage by means other than a printed document, if the person entitled to the document may request and receive a printed copy.

Patron - Wagner

FSB1321 Health care provider panels. Includes in the definition of "provider panels" providers under contract with a health maintenance organization or preferred provider

organization regardless of the payment methodology utilized by such organization.

Patron - Saslaw

FSB1328 Homeowners insurance policies; fungi coverage. Authorizes insurers issuing policies on owner-occupied dwellings to limit coverage for loss caused by or consisting of the presence of fungi to not less than \$10,000 for fungi remediation. This limit does not apply to fungi resulting from covered fire or lightning losses. The limited fungi coverage only applies to fungi resulting from a cause of loss not otherwise covered by the policy. Insurers are required to notify insureds of the option to purchase, for an additional premium, higher limits for fungi remediation coverage. The measure applies to policies issued or renewed on or after October 1, 2005.

Patron - Colgan

Juvenile Justice

Passed

PJHB2657 Department of Juvenile Justice; juvenile work release program established; penalties. Authorizes the Director of the Department of Juvenile Justice to establish work release programs whereby (i) a juvenile who is proficient in any trade or occupation, and who meets the work release criteria established by the Director, may be approved for employment by private individuals, corporations, or state agencies at places of business; or (ii) a juvenile who the Director is satisfied meets the work release criteria and is capable of receiving substantial benefit from educational or other related community activity programs that are not available within a juvenile correctional center may attend such programs outside of the juvenile correctional facility. The bill requires the Department of Juvenile Justice to provide juveniles committed to the Department with opportunities to work and participate in career training or technical education programs as operated by the Department or by the Department of Correctional Education, and sets forth provisions relating to eligibility for work release, compensation, custody, and penalties for violating the terms of work release. The bill provides that the Department shall promulgate emergency regulations, and provide the services set forth in the bill at one location on a pilot program basis beginning July 1, 2005, and ending July 1, 2006. The Department shall report to the General Assembly concerning the implementation of the pilot program. Aside from the pilot program, the bill has a delayed effective date of July 1, 2006.

Patron - BaCote

Labor and Employment

Passed

PJHB1703 Volunteer firefighters; minors; emergency. Provides that ordinances of counties, cities and towns authorizing participation by minors aged 16 years or older in volunteer fire companies apply to minors resident anywhere in the Commonwealth. The measure also provides that localities by ordinance may authorize such minors to seek firefighter certification. Such minors who are members of a volunteer fire company are exempted from child labor provisions while participating in all activities of a volunteer fire company, but shall not enter a burning structure prior to obtaining firefighter certi-

fication except where such entry is necessary to obtain the firefighter certification. This bill contains an emergency clause and will take effect upon passage.

Patron - Kilgore

P HB1834 Labor violations; time for reporting complaint. Prohibits an employee from seeking relief via the administrative process through the Commissioner of Labor and Industry for discharge or discrimination as a result of reporting health or safety violations if the employee does not file his complaint within 60 days after the discharge or discrimination occurred. This bill is identical to SB 971.

Patron - Parrish

P HB1955 Boiler and pressure vessel inspections; expiration of certificate; inspection by Commonwealth. Authorizes the Commissioner to assign an agent or special inspector to inspect any boiler or pressure vessel 91 days after certificate expiration and assess an inspection fee against the owner or operator of the boiler or pressure vessel.

Patron - Jones, D.C.

P HB2393 Employee's day of rest. Repeals the statutory provisions governing the employee day of rest requirements.

Patron - Griffith

P HB2638 Failure or refusal to pay wages; penalty. Provides that an employer who fraudulently fails or refuses to pay wages is guilty of a Class 6 felony if the amount of wages is \$10,000 or more or if it is a second or subsequent conviction. Under current law the refusal to pay wages is a Class 1 misdemeanor regardless of the amount. The bill also provides the determination as to the "value of the wages earned" shall be made by combining all wages the employer failed or refused to pay.

Patron - Ebbin

P HB2842 Payment of wages or salaries. Authorizes employers to pay wages by credit to a prepaid debit card or card account without the employee's consent if the employee has failed to designate a financial institution where payment may be deposited by automated fund transfer and if the employee is employed at a facility where amusement devices are operated.

Patron - Hargrove

P SB971 Labor violations; time for reporting complaint. Prohibits an employee from seeking relief via the administrative process through the Commissioner of Labor and Industry for discharge or discrimination as a result of reporting health or safety violations if the employee does not file his complaint within 60 days after the discharge or discrimination occurred. This bill is identical to HB 1834.

Patron - O'Brien

Failed

F HB2194 Employee day of rest; banking institutions. Exempts banking institutions from the requirement to provide employees one day of rest in any calendar week.

Patron - Abbitt

F SB705 Qualification for payment of overtime compensation. Provides that employers subject to the Fair Labor Standards Act shall pay wages for overtime in accordance with the regulations governing overtime pay that were in effect prior to August 23, 2004, except that the minimum qualifying salary for an exempt employee (i.e., an employee not entitled to over-

time) shall be that set forth at 29 C.F.R. § 541.600, effective August 23, 2004. Regulations effective prior to August 23, 2004 required payment of overtime wages to employees earning wages at or below \$8,060 per year. Employees earning more than \$8,060 could qualify for overtime based on a further evaluation of their duties and responsibilities. Under the regulations effective August 23, 2004, employees earning less than \$23,660 annually must be paid overtime compensation without consideration of their duties and responsibilities. Employees earning more than \$23,660 may qualify for overtime compensation, depending on further evaluation of their duties and responsibilities. The regulations also distinguish between white collar and blue collar employees and direct that the latter can never be deemed exempt, and require that certain specific groups of employees (such as police officers, correctional officers and emergency medical technicians) are never to be considered exempt. See 29 C.F.R. § 541.3. At the same time, the regulations effective August 23, 2004 provide that an employee can spend unspecified amounts of time performing nonexempt tasks, yet be found exempt if his "primary duty" is management or supervision of other employees. Under the regulations in effect prior to August 23, 2004, an employee who spent more than 80 percent of his time performing nonexempt tasks was entitled to overtime, regardless of whether his work also involved management or supervision of other employees. See former 29 C.F.R. § 541.112 (providing that "An employee will not qualify for exemption as an executive if he devotes more than 20 percent...of his hours worked in the workweek to nonexempt work"). The bill retains the threshold wage of \$23,660 established in the regulations in effect on August 23, 2004, and requires the application of the regulations in effect prior to August 23, 2004, for the purposes of evaluating whether an employee earning more than that threshold wage is entitled to overtime compensation.

Patron - Miller

F SB713 Parental leave for school involvement. Requires employers to permit employees who are parents or guardians of, or who stand in loco parentis to, a school-aged child to take up to four hours of leave annually in order to attend or otherwise be involved in the child's school. The employer and employee must mutually agree to the time for the leave, the leave need not be compensated, and the employer may require both 48 hours' advance notice of the leave and written verification from the school of the employee's involvement in the school.

Patron - Potts

F SB1172 Covenants not to compete. Establishes that a covenant between an employer and employee that restricts the employee's ability to compete with his employer following the termination of employment is enforceable if the restrictions are reasonable in duration, geographic area, and scope; the agreement is signed by the individual; the covenant is justified by the former employer's legitimate business interest; and the individual's agreement to the covenant is supported by consideration. The measure does not apply in actions to enforce a covenant entered into prior to July 1, 2005.

Patron - Stolle

Libraries

Passed

P HB1791 Virginia Public Records Act. Makes several clarifying and technical changes to the Virginia Public Records Act. The bill removes obsolete definitions, clarifies

existing definitions of "archival records" and "public records," and creates a definition for "private record," a term that is used in the Act but not currently defined. The bill removes references to the preservation of medical records, an area of law that has been superseded by other state and federal medical records laws, and programs for microfilming records by The Library of Virginia, a service not provided by The Library of Virginia. The bill also clarifies that a public record may not be destroyed or discarded unless certain requirements are met. This change codifies current practice. This bill is a recommendation of the HJR 6 study (2004).

Patron - Cox

Failed

F HB2699 Public libraries; state grants to improve standards. Provides that state aid to libraries or systems serving a population in excess of 600,000 shall receive \$0.30 per capita. Currently, this amount is set at \$0.10. The bill also contains technical amendments.

Patron - Sickles

F HB2797 Technology protection measures; public libraries. Requires the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions on selecting and installing on those computers that have Internet access a technology protection measure to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372 and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. The bill also requires the library board or governing body to actually select and install the technology protection measure.

Patron - Nixon

F SB882 Technology; required protection measures; public libraries. Requires the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions requiring the selection, installation, and activation on those computers that have Internet access a technology protection measure, as selected by the Library of Virginia, to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. The bill also requires the library board or governing body to actually select, install, and activate the technology protection measure.

Patron - Obenshain

Mechanics' and Certain Other Liens

Passed

P HB1599 Mechanics' lien; repairs to personal property. Increases from \$625 to \$800 the maximum lien a mechanic can assert for repairs to personal property. The maximum lien that garage, marina, livery and hangar operators can assert was increased to \$800 in the 2004 General Assembly session.

Patron - Hargrove

P HB2310 Lien of keeper of livery stable, garage, marina, etc. Increases the lien limits for storage from \$300 to \$500, and requires that the person asserting the lien make a reasonable attempt to notify any secured party of record at the Department of Motor Vehicles or the Department of Game and Inland Fisheries not just in writing but also by telephone, with both forms of notice required within three business days of the person's taking possession of the boat, aircraft or vehicle. An item of personal property left with the stored property must be returned only if the owner claims the item before auction.

Patron - Griffith

Failed

F SB704 Mechanics' liens; easements of public service company, etc. Prohibits a lien attaching to adjacent properties where the lien is based on a claim for repair, etc., upon an easement of right-of-way owned by or authorized by a public service entity. Notice of such lien shall not be served upon the adjacent property owners. The bill provides that no such lien shall be filed in a circuit court and that any such lien filed or notice served contrary to the provisions of the bill is null and void and without legal effect. Any person or entity filing such a lien or causing such a notice to be served may be subject to a civil penalty of \$100, which will be deposited into the Home Energy Assistance Fund.

Patron - Reynolds

Military and Emergency Laws

Passed

P HB2032 Powers and duties of Department of Emergency Management; coordination of emergency services intelligence and response; Freedom of Information Act. Provides that the Department of Emergency Management shall be responsible for the coordination, receipt, evaluation, and dissemination of emergency services intelligence and shall coordinate intelligence activities with the Department of State Police. The bill also creates a records exemption under the Virginia Freedom of Information Act for contact information, computer information, and operating schedule information submitted by an individual or agency for participation in the Statewide Alert Network where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

Patron - Miles

P HB2379 Mutual aid arrangements. Allows a local director of emergency management to enter into mutual aid arrangements for reciprocal assistance in case of disaster with other states or localities within other states. Currently, directors are limited to making these arrangements with other public or private agencies within the Commonwealth or with states adjacent to the Commonwealth. This bill is identical to SB 766 and incorporates HB 1786.

Patron - Rapp

P SB766 Mutual aid arrangements. Allows a local director of emergency management to enter into mutual aid arrangements for reciprocal assistance with other states or localities within other states in case of disaster. Currently, directors are limited to making these arrangements with other public or private agencies within the Commonwealth or with

states adjacent to the Commonwealth. This bill is identical to HB 2379 and incorporates SB 814.

Patron - Locke

SB800 Disaster preparedness programs; continuity of operations. Requires that the State Department of Emergency Management provide guidance and assistance to state agencies and localities in developing and maintaining continuity of operations (COOP) programs.

Patron - Watkins

Failed

HB1786 Mutual aid arrangements. Allows a local director of emergency management to enter into mutual aid arrangements for reciprocal assistance in case of disaster with other states or localities within other states. Currently, directors are limited to making these arrangements with other public or private agencies within the Commonwealth or with states adjacent to the Commonwealth. This bill has been incorporated into HB 2379.

Patron - BaCote

SB814 Mutual aid arrangements. Allows a local director of emergency management to enter into mutual aid arrangements for reciprocal assistance with other states or localities within other states in case of disaster. Currently, directors are limited to making these arrangements with other public or private agencies within the Commonwealth or with states adjacent to the Commonwealth. This bill has been incorporated into SB 766.

Patron - Williams

Mines and Mining

Passed

HB2573 Coal mining safety; civil penalty. Amends the Virginia Coal Mine Safety Act and the Virginia Coal Surface Mining Control and Reclamation Act to increase mine safety and address safety concerns, including notification of violations, qualifications of inspectors, new map designations, roof control plans, requirements for storage of explosives, clearance on haulage roads, operation of equipment, slope and shaft conditions, requirements for protective clothing, location of fire-fighting equipment, and increased safety examinations. The bill consolidates reporting requirements for impoundments or dams and requires that emergency evacuation plans be kept up to date. This bill also (i) requires ground control plans to ensure the safety of persons in any area that may be affected by blasting or falling, sliding, or other uncontrolled movement of material and (ii) increases the maximum civil penalty from \$5,000 to \$70,000 for violations that result in an injury or fatality to any person. This bill contains an emergency clause.

Patron - Stump

Failed

HB2394 Coal mine blasting practices. Prohibits blasting for underground coal mine air shafts within 500 feet of a residence and prohibits all coal mine blasting within 1,500 feet of a residence at night.

Patron - Phillips

HB2507 Coal mining safety. Amends the Virginia Coal Mine Safety Act and the Virginia Coal Surface Mining

Control and Reclamation Act to address safety concerns, including notification of violations, qualifications of inspectors, new map designations, roof control plans, requirements for storage of explosives, clearance on haulage roads, operation of equipment, slope and shaft conditions, requirements for protective clothing, location of fire-fighting equipment, and increased safety examinations. The bill consolidates reporting requirements for impoundments or dams, and requires that emergency evacuation plans be kept up to date. This bill also prohibits mining from occurring in an area where the topography and geology may result in danger to any residence, or at night or in locations where a threat of danger to lives or property exists. This bill requires prior approval of a detailed plan to protect individuals and property outside of the permitted area from potential harm caused by mining activities, and construction of protective barriers along the perimeter of mining areas where harmful materials may become loose as a result of mining activities and pose a threat to lives and property outside of the permitted area.

Patron - Phillips

SB1091 Coal mining safety; civil penalty. Amends the Virginia Coal Mine Safety Act and the Virginia Coal Surface Mining Control and Reclamation Act to increase mine safety and address safety concerns, including notification of violations, qualifications of inspectors, new map designations, roof control plans, requirements for storage of explosives, clearance on haulage roads, operation of equipment, slope and shaft conditions, requirements for protective clothing, location of fire-fighting equipment, and increased safety examinations. The bill consolidates reporting requirements for impoundments or dams and requires that emergency evacuation plans be kept up-to-date. This bill also (i) requires ground control plans to ensure the safety of persons in any area that may be affected by blasting or falling, sliding, or other uncontrolled movement of material and (ii) increases the maximum civil penalty from \$5,000 to \$70,000 for violations that result in an injury or fatality to any person. This bill contains an emergency clause.

Patron - Puckett

Motor Vehicles

Passed

HB1494 Access to records of the Department of Motor Vehicles (DMV). Requires the DMV Commissioner, on the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, to (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. The abstract is to be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

Patron - Sherwood

HB1501 Special license plates; House "Omnibus." Authorizes the issuance of special license plates for recipients

of the National Defense Service Medal; recipients of the Global War on Terrorism Service Medal; unmarried surviving spouses of United States Marine Corps veterans; members and former members of the U.S. Naval Construction Force; members of the Veterans of Foreign Wars of the United States organization; members of the Virginia Division of the United Daughters of the Confederacy; supporters of community traffic safety programs in the Commonwealth; special license plates bearing the seal, symbol, emblem, or logotype of counties, cities, and towns; supporters of the Shenandoah National Park Association; supporters of the Rocky Mountain Elk Foundation; supporters of the Surfrider Foundation; Virginia quilters; Master Gardeners; members of the Northern Virginia Swim League; Virginia scuba divers; lung cancer research, awareness, and prevention; Virginia Wines; supporters of the Robert Russa Moton Museum; supporters of the Salem Avalanche baseball team; members and supporters of the Mustang Club of America; the 100th anniversary of the City of Galax; persons who desire to contribute to the Virginia Housing Partnership Revolving Fund; fees. This bill incorporates HB 1600, HB 1613, HB 1614, HB 1724, HB 1725, HB 1758, HB 1895, HB 1990, HB 1999, HB 2178, HB 2196, HB 2270, HB 2271, HB 2272, HB 2387, HB 2501, HB 2530, HB 2597, HB 2781, HB 2792, and HB 2875.

Patron - Cosgrove

HB1519 Leaving scene of accident. Rewords the penalty portion of the law on leaving the scene of an accident to clarify that, in cases where property is damaged in an accident, the severity of the penalty depends on the amount of the damage caused, not the value of the property that was damaged. This bill incorporates HB 1680.

Patron - Reese

HB1539 Disabled parking license plates and placards. Provides that "physicians' certificates" required as a precondition for issuance of temporary disabled parking and placards may be in certain instances issued by podiatrists and chiropractors.

Patron - Cosgrove

HB1587 Duties of driver in event of accident involving damage only to unattended property. Provides that when a driver has an accident with an unattended vehicle, he may leave identifying and descriptive information at the scene other than a note, which is now required. The bill also provides that the written report of the accident shall contain a description of the property damage by the driver rather than his estimate of the damage.

Patron - Reese

HB1601 U.S. mail vehicles. Provides for optional use of rear-mounted "U.S. MAIL" signs on vehicles used to collect and deliver the mail.

Patron - Hargrove

HB1605 Amber warning lights. Allows use of amber warning lights by neighborhood watch patrol vehicles.

Patron - Baskerville

HB1611 Special identification cards; fees. Allows persons who are 70 years old or older to exchange their valid driver's license for free.

Patron - Cole

HB1672 Vehicle titles. Provides a mechanism for correcting errors made in the title process.

Patron - Cosgrove

HB1722 Reckless driving; restricted license. Allows a judge to issue a restricted license by a judge who has suspended the license of someone convicted of certain reckless driving offenses. Under current law there is no provision for the issuance of a restricted license for the following reckless driving offenses: faulty brakes; passing on a crest, grade or curve; obstructed view; impaired control; passing two vehicles abreast; driving two abreast in a single lane; passing at a railroad crossing; passing a stopped school bus; failing to give a signal; driving too fast for conditions; exceeding the speed limit; failure to yield right-of-way; and reckless driving on parking lots. Although discretionary with the judge, the period of suspension for these offenses is not less than 60 days nor more than six months. Another statute (§ 46.2-392) provides for a period of suspension of not less than 10 days nor more than six months for reckless driving and allows restricted licenses. This bill is a recommendation of the Committee on District Courts.

Patron - McDougle

HB1736 Coercion of motor vehicle dealers. Prohibits motor vehicle manufacturers and distributors from requiring retail dealers to offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed by, or sponsored by the manufacturer or distributor. The bill also eliminates the Class 1 misdemeanor penalty for violation and provides for holding hearings at the request of aggrieved parties instead.

Patron - Cosgrove

HB1749 Special license plates; expired authorizations. Repeals authorization for issuance of special license plates that have failed to meet the deadline for receipt of the minimum number of prepaid applications. The affected plates are those for: 1600 Communications Association, Mothers Against Drunk Driving, Blue Knights, Blue Ridge Parkway Foundation, Optimist International, Big Brothers and Sisters of America, Boy Scouts, Girl Scouts, U.S. Pony Clubs, Mariner's Museum, Shenandoah National Park Association, Rocky Mountain Elk Foundation, Town of Occoquan, County of New Kent, Burke's Station, Town of Smithfield, City of Salem, City of Portsmouth, values of diversity, Virginia Indian tribes, proud to be an American, Virginia zoos, crime prevention, first Africans in Virginia, Relay for Life, "God Bless America," Project Lifesaver, Interdenominational Children's Foundation, court-appointed special advocates, American Legion, U.S. Navy chief petty officers, Langley Air Force Base, paratroopers, Washington, D.C. United soccer, youth soccer, POW/MIA logo, children with special needs, childhood cancer awareness, American Cancer Society, retired law-enforcement officers, printers, beekeepers, motorcycle rider safety training program, barbershop quartet singing enthusiasts, motor vehicle hobbyists, and Holstein dairy cow.

Patron - Landes

HB1883 Lights on bicycles. Requires a taillight that emits a red light visible from a distance of at least 500 feet between sunset and sunrise on highways with speed limits of 35 mph or greater.

Patron - Hargrove

HB1968 Parking. Grants counties with populations of more than 500,000 and the towns within those counties expanded powers to regulate parking of large, heavy vehicles within their boundaries.

Patron - Amundson

HB1983 Video displays in motor vehicles. Prohibits drivers of motor vehicles from viewing any motion picture or video display while driving.

Patron - Howell, A.T.

HB2019 Special license plates. Provides that no special license plates are to be considered for authorization by the General Assembly unless and until the individual, group, organization, or other entity seeking the authorization of such special license plates has demonstrated to the satisfaction of the General Assembly that they meet specified issuance requirements. The bill also provides a mechanism whereby commemorative license plates for local government anniversaries can be issued without specific General Assembly authorization for each separate series of plates.

Patron - Welch

HB2022 Motor vehicle dealers; sale and distribution of funeral vehicles; emergency. Restores an exemption from full licensure as motor vehicle dealers for persons dealing solely in the sale and distribution of funeral vehicles. This exemption was repealed by the 2004 Session. The bill further provides that any manufacturer of firefighting equipment who, on or before December 31, 2004, had requested a hearing before the Department or the Commissioner in accordance with subdivision 4 of § 46.2-1572 for licensure as a dealer in fire-fighting equipment and/or ambulances may be licensed as a dealer in firefighting equipment and/or ambulances.

Patron - Welch

HB2156 Speed limits. Adds Montgomery County to the list of counties within which the maximum speed limit on nonsurfaced treated roads is 35 miles per hour, unless increased or decreased by the Commonwealth Transportation Commissioner. This bill is identical to SB 774.

Patron - Nutter

HB2186 Vehicle safety inspection approval stickers. Provides that any vehicle safety inspection approval sticker issued for any vehicle whose registered owner is a person in the armed services of the United States will not be held to have expired during the period of the owner's official absence from the Commonwealth in the armed services of the United States and for 24 hours following the return of the service person's vehicle, for any reason, to the Commonwealth. The bill also allows the owner to travel to an inspection station without penalty upon his return. This bill incorporates HB 1688.

Patron - Wardrup

HB2187 Special license plates; certain officials and constitutional officers; fees. Increases the fee for issuance of special license plates to the Speaker of the House of Delegates, members of the House of Delegates, members of the Virginia Senate, the Clerk of the House of Delegates, the Clerk of the Virginia Senate, the Governor of Virginia, the Lieutenant Governor of Virginia, the Attorney General of Virginia, United States Congressmen, United States Senators, sheriffs, county and city treasurers and commissioners of the revenue, attorneys for the Commonwealth, circuit court clerks, and general registrars to \$25 plus the vehicle registration fee and the reserved numbers or letters fee.

Patron - Wardrup

HB2189 Motor vehicle registration. Authorizes permanent registration for buses.

Patron - Wardrup

HB2193 Renewal of driver's licenses. Reduces the number of applicants for driver's license renewal that have to retake the rules-of-the-road written test.

Patron - Abbitt

HB2199 Safety inspection; fees. Increases motorcycle fee from \$5 to \$12, with \$10 going to inspection stations, \$1.50 going into the Motorcycle Rider Safety Training Fund, and \$.50 to the State Police to administer the safety inspection program. This bill becomes effective January 1, 2006.

Patron - Abbitt

HB2249 Distribution of handbills, etc., on certain highways. Allows the Town of Vienna by ordinance to prohibit or regulate (i) the distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to, (ii) the solicitation of contributions from, and (iii) the sale of merchandise to the occupants of motor vehicles on highways. The bill also allows Albemarle and Greene Counties by ordinance to prohibit or regulate (i) the distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to, (ii) the solicitation of contributions from, and (iii) the sale of merchandise to the occupants of motor vehicles on public roadways and medians. This bill incorporates HB 1859.

Patron - Bell

HB2275 DEQ vehicles; operating in emergencies. Allows vehicles of the Department of Environmental Quality (DEQ) to be equipped with red or red and white warning lights and to pass slowed or stopped vehicles off the roadway on the way to an emergency when displaying these warning lights.

Patron - Oder

HB2277 Oversize vehicles; use of optical detection systems in identification. Authorizes the Virginia Department of Transportation to use optical detection systems to identify vehicles that exceed the overhead clearance of the westbound lane of the Hampton Roads Bridge Tunnel.

Patron - Oder

HB2278 Tunnels; oversize vehicles. Provides that any person who drives or attempts to drive any vehicle into or through any tunnel when the height of such vehicle exceeds that permitted for such tunnel is guilty of a Class 3 misdemeanor (fine up to \$500) and will be assessed three driver demerit points.

Patron - Oder

HB2293 Vehicle titles. Authorizes creation of electronic certificates of title.

Patron - Lingamfelter

HB2342 Special license plates; law-enforcement chaplains. Authorizes the issuance of special license plates to current and former law-enforcement chaplains and graduates and supporters of the U.S. Merchant Marine Academy and supporters of the On the Rebound Bulldog Rescue Foundation.

Patron - Putney

HB2418 Definition of "residence district"; speed limits. Includes residential subdivisions and territory zoned residential in the definition of residence district for purposes of Title 46.2 (Motor Vehicles). The bill also excludes nonlimited access highways with four or more lanes and primary highways located in residence districts from having 25 miles per hour speed limits.

Patron - Armstrong

HB2434 Vehicle safety inspection stations. Exempts “private” inspection stations that inspect only company-owned or leased or government-owned or leased vehicles from the requirement that inspection stations carry at least \$500,000 garage liability insurance coverage.

Patron - Carrico

HB2435 Notice of impoundment. Removes the requirement that the officer who impounds a car shall serve notice of the impoundment to the Commissioner of DMV.

Patron - Carrico

HB2502 Local vehicle license fees. Provides that a town cannot charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who previously paid a license fee for the same tax year to such county.

Patron - Johnson

HB2508 Electronic summons may be used for reportable motor vehicle law violations; citations. Provides that an electronic summons may be used in lieu of a paper summons for reportable motor vehicle violations.

Patron - Welch

HB2509 Driver’s licenses and special identification cards. Requires that driver’s license applications include the applicant or licensee’s full legal name. This bill is identical to SB 965.

Patron - Welch

HB2572 Special license plates bearing the names, numbers, and color schemes used by professional stock car drivers; fees. Allows DMV to issue stock car driver special license plates by entering into agreements to purchase such license plates from a supplier.

Patron - Dudley

HB2575 Overweight permits for trucks hauling coal, gravel, sand, crushed stone, or liquids produced from gas or oil wells. Allows coal-hauling vehicles with six axles to have a maximum gross weight, when loaded, of no more than 110,000 pounds; a single axle weight of no more than 24,000 pounds; a tandem axle weight of no more than 44,000 pounds; and a tri-axle weight of no more than 54,500 pounds. The bill also prohibits five-axle and six-axle vehicles from carrying loads in excess of the maximum bed size for such vehicle, and provides a formula for calculating “maximum bed size.” Finally, in counties that impose a severance tax on coal and gases, the bill applies certain coal truck weight limits to motor vehicles hauling liquids produced from a gas or oil well and water used for drilling and completion of a gas or oil well no more than 50 miles from origin to destination. Nothing contained in this subsection shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight violation involving these vehicles are to be subject to the penalties authorized by § 46.2-1135 (liquidated damages for weight limit violations).

Patron - Stump

HB2580 Temporary license plates. Allows dealers to transfer customers’ metal license plates to purchased vehicles.

Patron - Stump

HB2581 Motor vehicle dealers. Requires applicant for original licensure as an independent motor vehicle dealer to

satisfactorily complete courses of study prescribed by the Board.

Patron - Stump

HB2664 Driver’s license reinstatement fees. Imposes an additional \$40 fee for reinstatement of suspended or revoked driver’s licenses. Proceeds of this additional fee are to be paid into the Trauma Center Fund for the purpose of defraying the costs of providing emergency medical care to victims of automobile accidents attributable to alcohol or drug use.

Patron - McDonnell

HB2690 Utility trailers. Requires that present requirements for reflectors or reflectorized materials on the rear of trailers with unloaded weights of 3,000 pounds or less be limited to utility trailers whose body and tailgate consist largely or exclusively of a metal mesh.

Patron - Pollard

HB2772 Commencement of periods for suspension or revocation of driver’s licenses, registration cards, or license plates. Provides that periods of suspension begin on the date the conviction becomes final or after the order of the DMV Commissioner becomes final (rather than 180 days after such dates).

Patron - Van Yahres

HB2776 Special license plates; U.S. Army. Authorizes the issuance of special license plates for persons who either (i) have served in the U.S. Army, (ii) have been honorably discharged from the U. S. Army after at least six months of active duty service, or (ii) are retired from the U. S. Army.

Patron - Frederick

HB2822 Transfer of vehicle title by operation of law; emergency. Provides that DMV will issue a new title upon presentation of a title from another state and a form prescribed by the Commissioner attesting to the lawful repossession of the vehicle and the intent to offer the vehicle for sale in the Commonwealth. DMV will then request the other state to cancel its title. This bill is identical to SB 1234.

Patron - Welch

SB710 Distributing materials, soliciting funds on highways. Grants the Town of Vienna the same powers presently enjoyed by Arlington and Henrico Counties to ban distribution of materials to and soliciting contributions from motorists on highways.

Patron - Devolites Davis

SB774 Speed limits. Adds Montgomery County to the list of counties within which the maximum speed limit on nonsurface treated roads is 35 miles per hour, unless increased or decreased by the Commonwealth Transportation Commissioner. This bill is identical to HB 2156.

Patron - Bell

SB789 Special identification cards. Provides that special identification cards issued by DMV for persons less than 15 years old will expire on the person’s 16th birthday.

Patron - Obenshain

SB815 “Photo-toll” toll collection programs. Authorizes “photo-toll” facilities to record images of all vehicles whose operators choose to use the facilities and bill the registered owners of vehicles as to which no toll is paid, prior to pursuing other remedies. This bill also allows operators to

charge an administrative fee of up to \$25 when collecting unpaid tolls.

Patron - Williams

SB819 Motor fuel drive-off; penalty. Raises the penalty to \$250 from \$100 for driving off without paying for motor fuel.

Patron - Williams

SB820 Special license plates; DRIVE SMART. Credits revenue-sharing revenues generated by the DRIVE SMART special license plates to Drive Smart Virginia instead of the Department of Motor Vehicles.

Patron - Williams

SB821 Acceptability of foreign driver's license as the equivalent to a learner's permit. Allows any person at least 19 years old to have the learner's permit or driver education requirement waived if that person possesses a foreign driver's license.

Patron - Williams

SB822 Flashing vehicle headlights. Makes permanent the temporary authorization for emergency vehicles in the City of Chesapeake, the City of Portsmouth, the City of Poquoson, and the County of York to flash their headlights after dark.

Patron - Williams

SB823 Motor vehicle rear-view camera systems. Allows use of closed circuit video monitors in vehicles other than trucks and motor homes.

Patron - Williams

SB884 Special license plates; Senate "Omnibus." Authorizes the issuance of special license plates for members of the Virginia State Defense Force; supporters of children with special needs, education and the public schools of Virginia, and the Salem Avalanche; members and supporters of the Junior League, the Virginia Association for Community Conflict Resolution, and the Mustang Club of America. This bill incorporates SB 745, SB 763, SB 885, SB 942, SB 1236, and SB 1242.

Patron - Bell

SB925 Obscene videos in motor vehicles; penalty. Makes it unlawful (Class 4 misdemeanor, fine up to \$250) for the operator of any motor vehicle on a public highway to display or permit the display within the vehicle of any motion picture or video display that is obscene if such motion picture or video display can be seen by persons outside the vehicle.

Patron - Blevins

SB965 Driver's licenses and special identification cards. Requires that driver's license applications and driver's licenses include the applicant or licensee's full legal name. The bill also requires that applications for special identification cards issued by DMV include the applicant's full name; year, month, and date of birth; sex; and residence address. This bill is identical to HB 2509.

Patron - O'Brien

SB972 Special identification cards. Allows licensed drivers to exchange their driver's licenses for special identification cards without incurring an additional fee. The bill also brings the fees charged for issuance of special identification cards more into line with those charged for driver's licenses.

Patron - O'Brien

SB1016 Overlength trucks on certain highways; penalty. Provides that any person operating an overlength

vehicle on a two-lane highway where passing is permitted is guilty of a traffic infraction and fined \$250.

Patron - Mims

SB1058 Military veteran license plates; fees. Provides the World War II veteran and Asiatic-Pacific veteran special license plates will be subject to a one-time \$10 surcharge instead of an annual surcharge.

Patron - Wagner

SB1198 Commercial vehicle driver's licenses. Amends various Virginia Code sections in order to comply with the final rule promulgated by the Federal Motor Carrier Safety Administration to implement the commercial driver licensing requirements of Section 201(b) of the Motor Carrier Safety Improvement Act of 1999. This act requires stricter licensing and record-keeping procedures and imposes increased sanctions against commercial driver's license holders who operate commercial and noncommercial vehicles in an unsafe manner.

Patron - Williams

SB1205 Surrendered driver's licenses. Clarifies when a driver's license is retained by the court, returned to the defendant, or submitted to DMV when a defendant is convicted of an offense that requires or permits the revocation or suspension of the license.

Patron - Mims

SB1210 Speed limits. Sets the speed limit on U.S. Route 17 between Port Royal and Saluda at 60 miles per hour.

Patron - Chichester

SB1223 Speed limit on U.S. Routes 29 and 460. Provides that the maximum speed limit will be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study, on U.S. Routes 29 and 460 where they are nonlimited access, multilane, divided highways.

Patron - Newman

SB1229 Speed limit on U.S. Route 58. Provides that the maximum speed limit will be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study, on U.S. Route 58 where it is a nonlimited access, multilane, divided highway.

Patron - Ruff

SB1234 Transfer of vehicle title by operation of law; emergency. Provides that DMV will issue a new title upon presentation of a title from another state and a form prescribed by the Commissioner attesting to the lawful repossession of the vehicle and the intent to offer the vehicle for sale in the Commonwealth. DMV will then request the other state to cancel its title. This bill is identical to HB 2822.

Patron - Houck

Failed

HB1493 Motor vehicle window tinting films. Allows application of sun-shading or tinting films to the front side windows of any motor vehicle operated on the highways of the Commonwealth that reduce total light transmittance of such window to 35 percent. Present law requires that films on these windows permit a light transmittance of at least 50 percent.

Patron - Lewis

HB1496 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall pos-

sess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

Patron - Purkey

HB1540 Special license plates; Fraternal Order of Police; fees. Imposes, in addition to all other applicable fees, a fee of \$2 for each set of Fraternal Order of Police license plates issued by the Department of Motor Vehicles. This bill has been incorporated into HB 1734.

Patron - Cosgrove

HB1543 Issuance of documents by Department of Motor Vehicles (DMV); proof of U.S. citizenship. Provides a list of specific evidence that may be used to prove U.S. citizenship in applying for DMV-issued documents. The bill also grants the DMV Commissioner the discretion to issue driver's licenses, following a hearing, to persons who cannot prove U.S. citizenship.

Patron - Fralin

HB1558 "Photo-red" traffic light signal enforcement. Eliminates the July 1, 2005, "sunset" on local "photo-red" traffic light signal enforcement programs, but limits such programs to named localities wherein "photo-red" programs are already in effect.

Patron - Tata

HB1563 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected. Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. Annually, the first \$40 million of these fees, minus cost of collection, will be directed to the Transportation Partnership Opportunity Fund and the remainder will be directed to the Local Congestion Mitigation Incentive Fund. This bill incorporates HB1564.

Patron - Rust

HB1564 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected. Requires the courts to impose, in addition to any other penalties imposed, civil penalties on drivers convicted of certain offenses: \$100 for speeding at least 15 but not more than 19 miles per hour above the posted speed, \$250 for driving with a suspended or revoked driver's license, \$300 for reckless driving or aggressive driving, and \$500 for driving while intoxicated. These fees, minus cost of collection, will be used to support issuance of bonds whose proceeds are to be used for transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement projects. The bill also revises the schedule of driver demerit points to be awarded for speeding so that speeding 1-9 mph carries three points, 10-14 mph carries four points, 15-19 mph carries five points, and 20 mph or more carries six points. This bill has been incorporated into HB 1563.

Patron - Albo

HB1569 Safety belts. Requires all persons who are at least 16 years old to use safety belts when occupying any seat in a motor vehicle.

Patron - Oder

HB1576 Stopping for accidents. Requires persons involved in accidents to provide their license plate numbers

and states of registration. Present law requires them to provide their vehicle registration numbers.

Patron - Reese

HB1600 Special license plates; United Daughters of the Confederacy. Authorizes the issuance of special license plates to members of the Virginia Division of the United Daughters of the Confederacy. This bill has been incorporated into HB 1501.

Patron - Hargrove

HB1613 Special license plates; local government logos; fees. Provides for issuance of plates with or without local revenue sharing at the option of the locality. This bill has been incorporated into HB 1501.

Patron - Cole

HB1614 Special license plates; Global War on Terrorism Service Medal. Authorizes issuance of special license plates to persons awarded the Global War on Terrorism Service Medal. This bill has been incorporated into HB 1501.

Patron - Cole

HB1625 Driver's licenses; learner's permits. Prohibits issuance of driver's licenses and learner's permits to persons incapable of communicating using the English language. The prohibition extends to both original issues and to renewals.

Patron - Marshall, D.W.

HB1628 Local limitations on operations of mopeds, etc. Grants the City of Charlottesville the same ability presently granted counties, cities, and towns located within the Northern Virginia Planning District to limit the operation of motorcycles, mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, or go-carts.

Patron - Van Yahres

HB1630 Use of VASCAR speed determination devices. Adds the City of Charlottesville to the list of localities that may use VASCAR (visual average speed computer and recorder) speed determination devices. Presently use of these devices by local law-enforcement personnel is limited to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them.

Patron - Van Yahres

HB1640 Registration of uninsured motor vehicles; fee. Increases the fee charged by the Department of Motor Vehicles for registration of an uninsured motor vehicle from \$500 to \$1000.

Patron - Miles

HB1660 Special license plates; supporters of traditional marriage. Authorizes the issuance of special license plates to supporters of traditional marriage. The design of the plates is to include the legend: TRADITIONAL MARRIAGE and two interlocked golden wedding bands over a red heart.

Patron - Lingamfelter

HB1680 Leaving scene of accident. Rewords the penalty portion of the law on leaving the scene of an accident to clarify that, in cases where property is damaged in an accident, the severity of the penalty depends on the amount of the damage caused, not the value of the property that was damaged. This bill has been incorporated into HB 1519.

Patron - Albo

HB1688 Safety inspection approval stickers. Extends the validity of vehicle safety inspection approval

stickers for vehicles whose registered owners are members of the armed forces serving outside Virginia. The stickers will remain valid until the member of the armed forces returns to Virginia and for 30 days thereafter. No extension can exceed five years. This bill has been incorporated into HB 2186.

Patron - Hargrove

HB1710 All-terrain vehicles. Allows limited over-the-road operation of all-terrain vehicles in Lee County.

Patron - Kilgore

HB1718 Issuance of documents by Department of Motor Vehicles (DMV); proof of U.S. citizenship. Provides a list of specific evidence that may be used to prove U.S. citizenship in applying for DMV-issued documents. The bill also grants the DMV Commissioner the discretion to issue driver's licenses, following a hearing, to persons who cannot prove U.S. citizenship.

Patron - Fralin

HB1724 Special license plates for persons who desire to contribute to the Virginia Housing Partnership Revolving Fund; fees. Authorizes the issuance of revenue-sharing special license plates to persons who desire to contribute to the Virginia Housing Partnership Revolving Fund. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Housing Partnership Revolving Fund. This bill has been incorporated into HB 1501.

Patron - Oder

HB1725 Special license plates; DRIVE SMART. Credits revenue-sharing revenues generated by the DRIVE SMART special license plates to Drive Smart Virginia instead of the Department of Motor Vehicles. This bill has been incorporated into HB 1501.

Patron - Oder

HB1730 Driver's license reinstatement fees. Provides that no reinstatement fee will be charged by DMV when the suspension or revocation of license results from reasons of health not related to the use of self-administered intoxicants or drugs.

Patron - Cosgrove

HB1734 Special license plates; Fraternal Order of Police. Repeals authorization for nonrevenue sharing special license plates for members of the Fraternal Order of Police and authorizes, instead, revenue sharing special license plates for members of the Fraternal Order of Police. The annual surcharge for these plates would be \$12, instead of the standard \$10 for most other nonrevenue sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$2 will go to the Fraternal Order of Police to support its programs and activities in Virginia. This bill incorporates HB 1540.

Patron - Cosgrove

HB1758 Special license plates; supporters of the Rocky Mountain Elk Foundation. Authorizes the issuance of special license plates to supporters of the Rocky Mountain Elk Foundation. The bill also repeals the 2002 statute that authorized issuance of special license plates for Rocky Mountain Elk Foundation volunteers. This bill has been incorporated into HB 1501.

Patron - Dillard

HB1828 Motorcycles; helmets. Allows certain persons who are more than 21 years old, subject to payment to DMV of a fee of \$1 per year, to ride motorcycles helmet-free.

The bill also provides that violations of the "helmet law" (i) are punishable by a civil penalty of \$25, to be paid into the Motorcycle Ride Safety Training Fund; (ii) are not to be assessed demerit points or court costs; (iii) do not constitute negligence and cannot be commented on by counsel in any action for the recovery of damages; (iv) may be charged on the uniform traffic summons form; and (v) are "secondary offenses."

Patron - Janis

HB1830 Use of certain wireless communication devices by operators of motor vehicles. Provides that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device, unless the device is equipped for hands-free operation and is being used as such.

Patron - Parrish

HB1856 Special identification cards. Provides for the issuance of special identification cards by the Department of Motor Vehicles to persons with no current, fixed address. The fee for issuance of these cards is \$1.00.

Patron - Eisenberg

HB1859 Distributing materials, soliciting funds on highways. Grants the Town of Vienna the same powers presently enjoyed by Arlington and Henrico Counties to ban distribution of materials to and soliciting contributions from motorists on secondary highways within their boundaries. This bill has been incorporated into HB 2249.

Patron - Shannon

HB1868 Photo-red traffic light signal enforcement. Extends the July 1, 2005, sunset on local photo-red programs until July 1, 2006. The bill also asks VCU's Transportation Safety Training Center Interdisciplinary Crash Investigation Team to report to the 2006 Session as to the impact of photo-red programs on safety and the degree to which objections to such programs in other states apply to those in Virginia as well.

Patron - Brink

HB1895 Special license plates; 100th anniversary of the City of Galax. Authorizes the issuance of special license plates for the 100th anniversary of the City of Galax. This bill has been incorporated into HB 1501.

Patron - Carrico

HB1962 Use of certain wireless communication devices by operators of motor vehicles. Provides that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device, unless the device is equipped for hands-free operation and is being used as such.

Patron - Jones, D.C.

HB1973 Motor vehicle inspection stations; insurance. Authorizes the Superintendent of State Police to allow self-insurance of motor vehicle inspection stations.

Patron - Tata

HB1979 Motorcycles; wearing of helmets; penalty. Limits the application of the "motor cycle helmet law" to operators and passengers who are less than 21 years old.

Patron - Janis

HB1982 Adjustment of driver's seat. Prohibits operation of any motor vehicle if the driver's seat is reclined at such an angle as to prevent the driver from seeing the brake lights of vehicles ahead.

Patron - Howell, A.T.

HB1984 Vehicle sound systems; penalty. Prohibits use of vehicle sound amplification systems that can be heard 50 feet or more from the vehicle.

Patron - Howell, A.T.

HB1990 Mustang Club of America. Authorizes the issuance of special license plates for members and supporters of the Mustang Club of America. This bill has been incorporated into HB 1501.

Patron - Griffith

HB1999 Special license plates; supporters of the Salem Avalanche baseball team. Authorizes the issuance of special license plates to supporters of the Salem Avalanche baseball team. This bill has been incorporated into HB 1501.

Patron - Griffith

HB2025 “Electric-powered wheeled devices” and “gasoline-powered wheeled devices.” Supplies definitions of “electric-powered wheeled devices” and “gasoline-powered wheeled devices.” The bill then treats electric-powered wheeled devices the same as electric power-assisted bicycles, and treats gasoline-powered wheeled devices the same as mopeds. The bill also treats operation of electric-powered wheeled devices and gasoline-powered wheeled devices the same as motor vehicles when their operators are under the influence of alcohol.

Patron - Welch

HB2028 Mopeds, etc. Amends the definition of “moped” to include devices powered by electric motors and allows local governments to regulate or prohibit operation of mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, go-carts, and motorized skateboards. The bill also extends to all local governments the power presently granted only to local governments in the Northern Virginia Planning District to prevent operation of any motorcycle, moped, electric power-assisted bicycle, trail-bike, mini-bike or go-cart within 500 feet of a residential district.

Patron - Amundson

HB2082 Vehicle safety inspections. Prohibits imposition by the Superintendent of State Police of fees on inspection stations as a precondition for participation in the vehicle safety inspection program.

Patron - Watts

HB2095 “Photo-red” programs. Postpones the July 1, 2005, “sunset” on local “photo-red” programs to July 1, 2007.

Patron - Hugo

HB2105 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

HB2107 Leaving certain children unattended in motor vehicles prohibited; civil penalty. Provides that any parent or other adult person responsible for the care of a child less than six years old who leaves such child unattended in a motor vehicle shall be subject to a civil penalty of no more than \$100. The bill also provides that a violation of the provision shall not be considered evidence of (i) negligence, (ii) contributory negligence, or (iii) assumption of the risk.

Patron - McQuigg

HB2134 Recording devices in motor vehicles; ownership of data. Deems data that is recorded on a device that records or transmits performance or operation information about the vehicle the personal property of the owner of the motor vehicle and may not be downloaded or otherwise retrieved by a person other than the owner, except (i) with the consent of the owner or (ii) in response to an order of a court of competent jurisdiction.

Patron - Gear

HB2141 Towing and recovery businesses; posting of certain information. Requires towing and recovery business operators to post signs indicating the maximum charge allowed by local ordinance, if any, for towing and recovery services and the name and business telephone number of the local official, if any, responsible for handling consumer complaints. The bill also prohibits imposition of charges for obtaining vehicle owner data from the Department of Motor Vehicles and vehicle release charges.

Patron - Eisenberg

HB2175 Mopeds. Provides that mopeds will be considered motorcycles when operated on any highway. The bill also prohibits operation of mopeds by persons whose driver’s licenses have been suspended or revoked, but does not change the status of mopeds within the context of Chapter 19.2 of Title 46.2 (Motorcycle Dealers) or Chapter 17.3 of Title 59.1 (the Motor Vehicle Warranty Enforcement Act), and does not impinge upon the ability of the Commonwealth Transportation Board to ban mopeds from controlled-access highways.

Patron - Louderback

HB2178 Special license plates; Shenandoah National Park Association. Reauthorizes issuance of special license plates for supporters of the Shenandoah National Park Association. This bill has been incorporated into HB 1501.

Patron - Louderback

HB2179 Special license plates; Combat Infantryman Badge. Reauthorizes issuance of special license plates for persons awarded the Combat Infantryman Badge.

Patron - Louderback

HB2196 Special license plates; supporters of the Robert Russa Morton Museum; fees. Authorizes the issuance of revenue sharing special license plates to supporters of the Robert Russa Morton Museum. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Robert Russa Morton Museum to support its programs and activities in Virginia. This bill has been incorporated into HB 1501.

Patron - Abbitt

HB2230 Mopeds, etc. Amends the definition of “moped” to include devices powered by electric motors and allows local governments in the Northern Virginia Planning District enhanced power to regulate or prohibit operation of mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, and go-carts.

Patron - Rust

HB2256 Vehicle safety inspection stations. Bars State Police from requiring that all inspection stations be capable of inspecting every kind, size, and class of vehicle.

Patron - Bell

HB2270 Special license plates; VIRGINIA WINES. Authorizes the issuance of revenue-sharing special

license plates bearing the legend VIRGINIA WINES. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Tech Food Services and Oenology Laboratory to support its programs and activities in Virginia. This bill has been incorporated into HB 1501.

Patron - Bell

HB2271 Special license plates promoting lung cancer research and awareness; fees. Authorizes the issuance of revenue-sharing special license plates promoting lung cancer research and awareness. 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 American Lung Association of Virginia to support lung cancer research, awareness, and prevention. This bill has been incorporated into HB 1501.

Patron - Bell

HB2272 Special license plates; Virginia scuba divers. Reauthorizes issuance of special license plates for Virginia scuba divers. This bill has been incorporated into HB 1501.

Patron - Bell

HB2274 Photo-red. Permits localities with one or more of the five most dangerous intersections in Virginia to use red light photo-monitoring. The bill also repeals the July 1, 2005 "sunset" on "photo-red" traffic light signal enforcement programs in Virginia.

Patron - Oder

HB2311 Towing charges. Increases maximum allowed vehicle towing and storage charges. The bill also requires that towing companies accept at least one nationally recognized credit card for payment of their charges and requires that these charges be conspicuously posted.

Patron - Griffith

HB2312 Immobilized and abandoned vehicles. Revises the procedures by which towing and storage companies may seek to recover their fees and charges for towing away and storing immobilized and abandoned vehicles.

Patron - Griffith

HB2329 Impoundment of vehicle for disregarding signal by law-enforcement officer to stop. Provides that the motor vehicle of a person detained for a misdemeanor violation of eluding police shall be impounded or immobilized by the law-enforcement officer for a period of 30 days. The bill also provides that the person has a right to petition a district court for review of the impoundment.

Patron - Athey

HB2331 Designation of private roads as highways for law-enforcement purposes. Allows local governing bodies to designate the private roads within any residential development containing 50 or more lots as highways for law-enforcement purposes. Present law allows this only for developments with 100 or more lots.

Patron - Athey

HB2333 Loitering on bridges. Prohibits loitering on bridges that overpass highways and railroads unless the bridges are screened to prevent dropping of objects from the bridge onto the highway or railroad below.

Patron - Athey

HB2334 Mopeds. Prohibits operation of mopeds on highways where the speed limit is 35 miles per hour or more.

Patron - Athey

HB2335 Seizure and forfeiture of motor vehicle for felonious eluding of police. Provides that the motor vehicle of a person who commits a felony violation of eluding a law-enforcement officer shall be immobilized and thereafter seized for forfeiture.

Patron - Athey

HB2343 Motor vehicle safety glass. Provides that the statute requiring safety glass in motor vehicles is not to be construed to require installation of safety glass in trailers, semitrailers, or other vehicles incapable of self-propulsion.

Patron - Putney

HB2380 Mopeds, etc. Amends the definition of "moped" to include devices powered by electric motors and allows local governments to regulate or prohibit operation of mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, go-carts, motorized scooters, and motorized skateboards. The bill also extends to all local governments the power presently granted only to local governments in the Northern Virginia Planning District to prevent operation of any motorcycle, moped, electric power-assisted bicycle, trail-bike, mini-bike or go-cart within 500 feet of a residential district.

Patron - Rapp

HB2387 Special license plates; VFW members. Authorizes the issuance of special license plates to members of the Veterans of Foreign Wars of the United States (VFW) organization. This bill has been incorporated into HB 1501.

Patron - Barlow

HB2389 "Photo-red" traffic light signal enforcement programs. Allows Williamsburg and James City County to have "photo-red" traffic light signal enforcement programs. The bill also postpones the July 1, 2005, "sunset" of all such programs until July 1, 2006.

Patron - Barlow

HB2390 Wheel covers. Prohibits wheel covers that create the illusion that a vehicle is moving when it isn't, or that is stationary when it is moving.

Patron - Barlow

HB2468 Event data recorders; vehicle manufacturers; disclosure. Requires a manufacturer of a new motor vehicle sold or leased in the Commonwealth that is equipped with one or more recording devices, commonly referred to as "event data recorders" (EDR) or "sensing and diagnostic modules" (SDM), to disclose that fact in the owner's manual for the vehicle. The bill also requires a seller or lessor of a new vehicle to conspicuously disclose the fact prior to sale or lease. The bill applies to all motor vehicles manufactured for model year 2007 and later.

Patron - May

HB2469 Recording devices; motor vehicles; access to data; penalties. States that information recorded by devices in motor vehicles is the personal property of the vehicle owner. The bill provides circumstances under which parties may access the information, responsibilities and duties of those parties, and civil and criminal liability for violations.

Patron - May

HB2497 Vehicle sound systems; penalty. Prohibits use of vehicle sound amplification systems that can be heard

50 feet or more from the vehicle. First-time violations are punishable by a fine of \$100 and subsequent violations within 12 months are punishable by a fine of \$100 and suspension of the driver's license for six months.

Patron - Keister

HB2501 Special license plates; members and supporters of the Northern Virginia Swim League. Authorizes the issuance of special license plates to members and supporters of the Northern Virginia Swim League. This bill has been incorporated into HB 1501.

Patron - Amundson

HB2530 Special license plates; U.S. Marine Corps veterans. Allows unmarried surviving spouses of deceased Marine Corps veterans to receive Marine Corps veterans' special license plates. This bill has been incorporated into HB 1501.

Patron - Melvin

HB2544 Special license plates; supporters of Deep Creek High School; fees. Authorizes the issuance of revenue-sharing special license plates to members/supporters of Deep Creek High School. 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 Deep Creek High School to support its operation, programs, and activities.

Patron - Jones, S.C.

HB2597 Special license plates; National Defense Service Medal. Authorizes issuance of special license plates to recipients of the Defense Service Medal. This bill has been incorporated into HB 1501.

Patron - Black

HB2608 Decommissioned law-enforcement vehicles. Requires that when state or local law-enforcement vehicles are permanently taken out of service, they be placed in highway medians so as to deter motor vehicle law violations.

Patron - Cline

HB2609 Parking on entrance and exit ramps; penalty. Prohibits parking on entrance or exit ramps of controlled access highways. Violations are punishable as Class 3 misdemeanors (fine up to \$500) and subject to assessment of four driver demerit points as well.

Patron - Cline

HB2637 Operation of motor vehicles by persons unable to establish legal presence; Certificate for Driving; penalty. Allows persons unable to establish legal presence in the United States who would be otherwise eligible for a Virginia driver's license to obtain a Certificate for Driving (Certificate) to be used for driving purposes only. The Certificate would not be lawful as a proof of identification or legal presence. Any persons found guilty of using the Certificate for such purposes would be guilty of a Class 2 misdemeanor.

Patron - Ebbin

HB2658 Release of personal data by the Department of Motor Vehicles to toll facility operators and toll technology entities. Postpones until July 1, 2012, the "sunset" on 2004 legislation that allowed the Commissioner of the Department of Motor Vehicles to enter into agreements with private toll facility operators or toll collection technology entities to enable them to obtain from the Department of Motor Vehicles personal information in order to conduct motor vehi-

cle research relating to methods of electronic toll collection. The original "sunset" was July 1, 2005.

Patron - Black

HB2698 Truck parking. Authorizes Fairfax County and the towns within its boundaries to limit the parking of trucks with gross vehicle weight ratings between 8,000 and 12,000 pounds to one such vehicle per dwelling, provided that such vehicle is registered to an address on a street located within the residential district.

Patron - Sickles

HB2754 Towing and recovery operators. Requires towing and recovery operators to obtain licenses from the Department of Motor Vehicles (DMV). It further requires that towing and recovery operators have a permanent, fixed street address in Virginia and working telephones where they can be reached 24 hours a day. The bill provides that whenever any towing and recovery operator tows any vehicle without the express consent of its owner, he must tow the vehicle to a facility nearest to the place from which the vehicle was towed, and not to the towing and recovery operator's business address or any other location, and notify the vehicle owner that his vehicle has been towed. This notice must include the name, street address, and business hours of the towing and recovery operator; his telephone number and 24-hour telephone number, if different from his ordinary telephone number; the location of the towed vehicle; and the vehicle's license number, make, and model. In order to facilitate providing this notice, the bill authorizes towing and recovery operators who tow vehicles without the express consent of their owners to enter into agreements with DMV to allow them direct on-line access to DMV's vehicle owner data. The bill also prohibits towing and recovery operators from charging separate fees for obtaining vehicle owner data from the Department or for releasing towed vehicles, and limits charges for storage and safekeeping to no more than \$35 per day, with fractions of a day calculated on a pro rata basis.

Patron - Bland

HB2781 Special license plates; Master Gardeners. Authorizes the issuance of special license plates to Master Gardeners. This bill has been incorporated into HB 1501.

Patron - Alexander

HB2792 Special license plates; Virginia quilters. Authorizes the issuance of special license plates to Virginia quilters. This bill has been incorporated into HB 1501.

Patron - O'Bannon

HB2794 Definition and regulation of mopeds. Provides a new definition for mopeds, guidelines for operation on highways, and inspection requirements.

Patron - Ingram

HB2834 Hours of service; drivers transporting employees in the course of their employment. Requires that a contract carrier limit the hours of service by a driver transporting employees in the course of their employment on the public highways of the Commonwealth in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in seven consecutive days. The bill also requires that the contract carrier limit a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least eight consecutive hours off duty before operating a vehicle again.

Patron - Amundson

HB2841 Speed limits. Provides for a speed limit of 35 miles per hour on U.S. Route 460 at Rich Creek, Virginia.

Patron - Keister

HB2849 Clean special fuel vehicle license plates. Provides that no new clean special fuel vehicle license plates will be issued, beginning July 1, 2005.

Patron - McQuigg

HB2875 Special license plates; supporters of the Surfrider Foundation. Authorizes the issuance of special license plates for supporters of the Surfrider Foundation. This bill has been incorporated into HB 1501.

Patron - Miller

HB2895 Motor vehicle mufflers. Prohibits modification of motor vehicle exhaust systems to the extent that the exhaust systems produce more than 95 decibels of noise as measured by the Society of Automotive Engineers Standard J1169. For the purposes of this bill, motorcycles are not to be deemed motor vehicles.

Patron - Fralin

SB706 Mopeds. Allows local governments to require moped riders to wear helmets.

Patron - Puller

SB721 "Photo-red" traffic light signal enforcement. Adds Roanoke City to the list of localities authorized to have a "photo-red" traffic light signal enforcement program. The bill also eliminates the July 1, 2005 "sunset" for "photo-red" programs and provides that a contract between a locality and a private entity cannot include provisions for the payment or compensation to the private entity based on the number of violations, or as a percentage of revenue generated as the result of the violations detected by use of the photo-monitoring equipment.

Patron - Edwards

SB726 Mopeds. Provides that mopeds will be considered motorcycles when operated on any highway. The bill also prohibits operation of mopeds by persons whose driver's licenses have been suspended or revoked, but does not change the status of mopeds within the context of Chapter 19.2 of Title 46.2 (Motorcycle Dealers) or Chapter 17.3 of Title 59.1 (the Motor Vehicle Warranty Enforcement Act), and does not impinge upon the ability of the Commonwealth Transportation Board to ban mopeds from controlled-access highways.

Patron - Potts

SB728 All-terrain vehicles; title. Requires original owners of all-terrain vehicles purchased on or after July 1, 2005, and all successor owners of such vehicles to obtain titles for them from the Department of Motor Vehicles.

Patron - Potts

SB732 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 - Colgan

SB745 Special license plates; children with special needs; fees. Reauthorizes the issuance of revenue-sharing special license plates bearing the legend: CHILDREN WITH SPECIAL NEEDS. 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 Snap4kids to

support its programs and activities in Virginia. This bill has been incorporated into SB 884.

Patron - Miller

SB763 Special license plates; supporters of education and the public schools of Virginia; fees. Authorizes the issuance of revenue-sharing special license plates to supporters of education and the public schools of Virginia. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Department of Education to support its programs and activities. This bill has been incorporated into SB 884.

Patron - Locke

SB768 Special license plates. Vests responsibility for authorization of special license plates with the Commonwealth Transportation Board.

Patron - Bell

SB780 "Photo-red" programs. Postpones the July 1, 2005, "sunset" on local "photo-red" programs to July 1, 2007.

Patron - Mims

SB784 Youthful drivers. Prohibits use of wireless telecommunications devices by holders of provisional driver's licenses while operating motor vehicles. The bill also eliminates the "secondary offense" provision of the section dealing with operators holding provisional driver's licenses. This bill has been incorporated into SB 966.

Patron - Mims

SB816 Release of personal data by the Department of Motor Vehicles to toll facility operators and toll technology entities. Postpones until July 1, 2012, the "sunset" on 2004 legislation that allowed the Commissioner of the Department of Motor Vehicles to enter into agreements with private toll facility operators or toll collection technology entities to enable them to obtain from the Department of Motor Vehicles personal information in order to conduct motor vehicle research relating to methods of electronic toll collection. The original "sunset" was July 1, 2005.

Patron - Williams

SB818 Flashing headlights. Allows emergency vehicles to flash headlights after dark.

Patron - Williams

SB825 Overweight truck penalties. Allows all counties, cities, and towns to adopt truck weight limit ordinances, parallel to state law, and to assess and collect penalties for violations of such ordinances and use the proceeds to support either local highway construction and maintenance or local vehicle safety inspection programs. The bill makes other non-substantive editorial changes as well.

Patron - Mims

SB835 Motor vehicle insurance. Provides that if a motor vehicle is an insured motor vehicle for only part of the year, it will, nevertheless, be deemed an "insured motor vehicle" and the owner will not be required to pay the fee for registration of an uninsured motor vehicle provided it is not operated on the public highway while uninsured.

Patron - Quayle

SB852 Vehicle safety inspections; frequency. Requires vehicles to undergo safety inspections once every 24 months instead of once every 12 months.

Patron - Cuccinelli

SB885 Mustang Club of America. Authorizes the issuance of special license plates for members and supporters of the Mustang Club of America. This bill has been incorporated into SB 884.

Patron - Bell

SB901 Motor vehicle safety belts. Makes safety belt violations primary offenses. This bill also requires that, with a few exceptions, all passengers be belted, not just those in the front seats.

Patron - Norment

SB911 Motor vehicle dealers. Provides that towing, recovery, and storage business operators need not be licensed as motor vehicle dealers if they sell unclaimed vehicles to the public.

Patron - Norment

SB924 Modified vehicles. Applies to pickup or panel trucks the same bumper height limitations presently applicable to passenger vehicles.

Patron - Blevins

SB954 Regulation of mopeds. The bill grants the City of Charlottesville and the City of Hopewell the same ability presently granted counties, cities, and towns located within the Northern Virginia Planning District to limit the operation of motorcycles, mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, or go-carts.

Patron - Deeds

SB955 Use of VASCAR speed determination devices. Adds the City of Charlottesville to the list of localities that may use VASCAR (visual average speed computer and recorder) speed determination devices. Presently, use of these devices by local law-enforcement personnel is limited to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them.

Patron - Deeds

SB966 Provisional driver's licenses. The bill bans use of cellular telephones and wireless telecommunication devices by holders of a provisional license and incorporates SB 784.

Patron - O'Brien

SB967 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected. Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than six net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. These fees, minus cost of collection, will be used to support issuance of bonds whose proceeds are to be used in the highway construction district wherein the offenses leading to the imposition of the fees were committed for transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement projects.

Patron - O'Brien

SB977 Driver's licenses. Requires all first-time applicants for Virginia driver's licenses to prove that they have

successfully completed either a driver education program approved by the State Department of Education or a course offered by a licensed driver training school.

Patron - O'Brien

SB980 Improper driving; penalty. Provides that a person may be charged with the offense of improper driving when his conduct is of the kind that constitutes reckless driving but when his degree of culpability is slight. Currently, improper driving is only a lesser included offense of reckless driving.

Patron - O'Brien

SB1004 Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities. Several additional provisions specify where, when, and how these systems are to be used.

Patron - Devolites Davis

SB1039 Regulation of mopeds. Allows Charlottesville and Hopewell to regulate mopeds for noise.

Patron - Quayle

SB1048 Water-damaged vehicles. Increases from \$1,000 to \$5,000 the amount of a water damage claim that must have been paid by an insurance company before water damage must be disclosed when ownership of the vehicle is transferred.

Patron - Wagner

SB1081 Wireless communication devices; use by drivers. Prohibits drivers' use of hand held telecommunications devices while their vehicles are in motion, except in an emergency. This prohibition does not extend to devices being operated hands-free. Violations are traffic infractions punishable by fines of \$100.

Patron - Ticer

SB1095 "Photo-red" enforcement of traffic signals; penalty. Repeals the July 1, 2005, "sunset" on the photo-red traffic light signal enforcement program.

Patron - Stolle

SB1114 Motor vehicle dealers. Allows motor vehicle dealers to cancel "spot sales" conditioned on approval of an installment sales contract. It also allows the dealer, if the sale falls through, to return the "equivalent value" of any trade-in or down payment made by the would-be buyer. In addition, the bill allows dealers to delay delivery of the vehicle's title or certificate of origin to the buyer if the sale is conditioned upon approval of purchase money financing. No dealer is to be held liable for fraud, conversion, violation of Title 8.9A (Secured Transactions) or Chapter 17 of Title 59.1 (Virginia Consumer Protection Act), or any other law of the Commonwealth solely by virtue of delivering a motor vehicle to a consumer before purchase money financing is approved. Dealers are also allowed to include in a vehicle buyer's order an express, written waiver of any rights or causes of action that may accrue to the customer as a result of the sale.

Patron - Norment

SB1236 Special license plates; members and supporters of the Virginia Association for Community Conflict Resolution; fees. Authorizes the issuance of revenue-sharing special license plates to members and supporters of the Virginia Association for Community Conflict Resolution. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets),

\$15 will go to the Virginia Association for Community Conflict Resolution to support its programs and activities in Virginia. This bill has been incorporated into SB 884.

Patron - Miller

[F]SB1242 Special license plates; members and supporters of the Junior League. Authorizes the issuance of special license plates to members and supporters of the Junior League. This bill has been incorporated into SB 884.

Patron - Devolites Davis

[F]SB1315 Release of security interest in motor vehicle certificate of title; penalty. Requires a secured party that fails to mark satisfied and surrender a certificate of title within 15 days after its security interest is satisfied to forfeit \$500 to the owner. If the \$500 is not paid within 10 business days after demand in writing, the secured party is required to pay the owner's court costs and reasonable attorneys' fees. The failure to release a security interest within 10 days is currently punishable as a Class 3 misdemeanor.

Patron - Colgan

[F]SB1339 Vehicle Safety Inspection. Provides that only motor vehicles, trailers, and semitrailers with more than 55,000 miles of use will be subject to annual state safety inspections.

Patron - Cuccinelli

Notaries and Out-of-State Commissioners

Passed

[P]SB760 Notary fees. Increases from \$3 to \$5 the fee that a notary may charge for taking and certifying the acknowledgment of any writing, administering and certifying an oath, certifying affidavits and depositions of witnesses, or certifying that a copy of a document is a true copy.

Patron - Locke

Failed

[F]SB991 Notaries public. Requires each notary to keep an official seal, describes the information required to be on the seal, and requires that the affixed seal be a legible, permanent, and photographically reproducible image. The bill also requires that the seal not be possessed or used by any other person and not be surrendered to an employer upon termination of employment.

Patron - Devolites Davis

Pensions, Benefits and Retirement

Passed

[P]HB1651 Optional life, accidental death, and dismemberment insurance. Increases from \$500,000 to \$600,000 the amount of optional life, accidental death, and dismemberment insurance that employees may purchase. The bill also eliminates the requirement for a review of such maximum

amount once every two years and provides for a review period of at least once every five calendar years.

Patron - Tata

[P]HB1652 Law Enforcement Officers' Retirement System and State Police Officers' Retirement System; retirement options. Eliminates the retirement option of 50 years of age with 10 years of service. The bill also makes technical changes.

Patron - Tata

[P]HB1653 Virginia Retirement System; life insurance. Clarifies that an employee with 20 years creditable service with a retirement plan administered by the VRS or any other public plan participating in the group life insurance program will have life insurance based on two times his highest annual salary earned during such employment.

Patron - Tata

[P]HB1787 Teacher's retirement allowance. Extends from July 1, 2005, to July 1, 2007, the sunset date for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits. Requires the Virginia Retirement System to determine the actuarial cost of the allowance and report its findings prior to the 2007 Session of the General Assembly.

Patron - BaCote

[P]HB1831 Mandatory retirement for judges. Provides that any judge of the State Corporation Commission who is (i) 70 years old and to be retired before the end of his elected term under otherwise mandatory retirement laws and (ii) to be retired during a session of the General Assembly in which the General Assembly is required to elect another judge or judges of the State Corporation Commission shall be retired upon the first to occur of (a) the expiration of the term to which he was elected or (b) 20 days after the commencement of the regular session of the General Assembly that immediately follows the date the judge turns 72 years old. Under current law, all judges who turn 70 shall be retired 20 days after the convening of the next regular session of the General Assembly.

Patron - Parrish

[P]HB1920 Purchase of prior service for retirement. Provides that in a case where an employee is purchasing prior service credit at a cost of 5 percent of current compensation or average final compensation, whichever is greater, if the employee uses pre-tax or post-tax deductions to purchase the service, then the cost of the service shall be 5 percent of current compensation even if this is less than 5 percent of average final compensation. The bill provides that certain creditable service for which employee and employer contributions have not been made to the Virginia Retirement System because of payroll error shall be purchased by the employer at an actuarial equivalent cost. The bill clarifies that active duty military service that can be purchased for retirement credit is full-time service of at least 180 consecutive days.

Patron - Cox

[P]HB1925 Health insurance credit; persons with creditable service as constitutional officers or employees of local social services boards. Provides that a person with 15 or more years of total creditable service as a constitutional officer or an employee of a local social services board who becomes employed by a local government that does not elect to provide the health insurance credit, shall be eligible for the health insurance credit made available to persons retiring as local constitutional officers or employees of local social services boards. This bill incorporates HB 1991.

Patron - Tata

HB1926 Employee benefits; long-term disability. Clarifies that state employees participating in defined contribution plans and receiving long-term disability shall receive the maximum health insurance credit. Currently, the maximum monthly credit provided to state employees is \$120 per month.

Patron - Tata

HB1927 Virginia Retirement System; suspension of retirement payments when in covered position. Clarifies that retirement payments are suspended whenever the member is employed in a position covered by any of the retirement plans administered by the Virginia Retirement System.

Patron - Tata

HB1928 Virginia Retirement System; administrative costs of defined contribution plans. Permits the Virginia Retirement System (VRS) to include its administrative costs in setting the employer contribution rates for any defined contribution plan administered by VRS.

Patron - Tata

HB1929 Federal social security. Requires that a local governing body's resolution requesting that its eligible employees become members of the Virginia Retirement System shall not be approved by the Board of Trustees of the Virginia Retirement System unless the locality has first entered into a plan of agreement to extend benefits under the Social Security Act to its employees. The bill also names the director of the Virginia Retirement System as the state social security administrator, and allows him, rather than the Board, to adopt rules and policies necessary for the administration of the Social Security Act. The state social security administrator may, with the approval of the Board, submit and agree to modifications to the agreement with the federal government concerning coverage, benefits, and administration of the Social Security Act. The state social security administrator will be tasked with carrying out all functions required of him by the Social Security Act, including but not limited to negotiating the inclusion of additional coverage groups, resolve coverage and taxation issues, and negotiate with the federal government to resolve social security contribution payment and reporting questions for wages paid before 1987. The bill also contains several definitional and technical changes.

Patron - Tata

HB1930 Retirement benefits. Provides for a potentially greater retirement benefit when a member dies while in service and has named his spouse, minor child, or parent as a contingent annuitant under a joint and last-survivor optional retirement benefit.

Patron - Tata

HB2489 Virginia Sickness and Disability Program; appeal of disability benefit determinations. Clarifies the authority of the Board of Trustees of the Virginia Retirement System to develop an appeals process as an alternative to the process set forth in the Administrative Process Act (APA), provided that the process: (i) provides for adequate notice in writing to any participant whose claim for benefits has been denied setting forth the specific reasons for such denial and (ii) affords a reasonable opportunity to any participant whose claim for benefits has been denied for a review of the decision denying the claim. The bill includes technical amendments.

Patron - Petersen

HB2536 Long-term disability benefit. Clarifies that the waiting period for a long-term disability benefit and supplemental long-term disability benefit is 125 work days.

Patron - Ingram

HB2746 Retirement. Provides that a local government that establishes a retirement system shall not be liable for any loss resulting from the governing body's selection of an individual retirement plan provider, or investment product in the case of an automatic rollover of a mandatory cash-out, when the selection of the provider or product is made in accordance with safe harbor guidelines adopted by the United States Department of Labor.

Patron - Ware, R.L.

HB2765 Health insurance credits; general registrars. Adds retired general registrars and their retired employees who rendered at least 15 years of creditable service to the list of those who will receive a health insurance credit to their monthly retirement allowance under the Virginia Retirement System.

Patron - Dillard

SB785 Virginia Retirement System; default payment option for retirement allowances. Provides that the retirement allowance shall be paid as a single life annuity in cases where the member, following reasonable notification, has not selected a payment option for his retirement allowance by the mandatory beginning date for payment of the allowance. A spousal acknowledgement of the payment option and the basic benefit shall not be required in these situations.

Patron - Stosch

SB786 Virginia Retirement System; liability of Board of Trustees. Provides that, in the case of an automatic rollover of a mandatory cash-out pursuant to § 401 of the Internal Revenue Code, the Board of Trustees shall not be liable for any loss resulting from the Board's selection of an individual retirement plan provider and investment product where the selection is made in accordance with guidelines to be adopted by the Board that are similar to the safe harbor guidelines adopted by the United States Department of Labor for such purpose.

Patron - Stosch

SB817 Teacher's retirement allowance. Extends the July 1, 2005, sunset date to July 1, 2007, for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits. This bill incorporates SB 762.

Patron - Williams

Failed

HB1497 Virginia Law Officers' Retirement System. Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 shall instead be paid until Social Security retirement age.

Patron - Wright

HB1503 Health insurance credit for retired teachers. Increases the health insurance credit for retired teachers to \$4 per month for each year of creditable service with no monthly cap. Under current law, retired teachers with 15 or more years of service are allowed a health insurance credit of \$2.50 per month for each year of creditable service with a cap of \$75 per month. This bill has been incorporated into HB 1523.

Patron - Shuler

HB1521 Virginia Retirement System; benefits. Increases monthly retirement benefits of certain future retirees by increasing the percentage of average final compensation multiplied by the amount of creditable service from 1.7 to 2.0

for years of service in excess of 25 years for most state employees, and from 2.0 to 2.3 for certain state law-enforcement officers.

Patron - Callahan

HB1523 Health insurance credits; teachers. Increases the monthly health insurance credit to retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill is applicable to current and future retirees and is not effective unless funding for such is included in the Budget Bill. This bill incorporates HB 1503.

Patron - Tata

HB1626 Health insurance credits for retired state employees. Removes the monthly health insurance credit cap of \$120 for retired state employees. The bill is not effective unless there is funding for such in the Budget Bill.

Patron - Putney

HB1627 Health insurance credits for retired state employees. Increases the monthly health insurance credits provided to retired state employees from \$4 per year of creditable service to \$6 per year of creditable service, and removes the maximum monthly cap of \$120. The bill is not effective unless there is funding for such in the Budget Bill. This bill incorporates HB 1866.

Patron - Putney

HB1637 Retirement; state police officers and certain local law-enforcement officers. Modifies the retirement benefits of state police officers and certain local law-enforcement officers by (i) increasing from 1.7 percent to 2.7 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; (ii) deleting the minimum age requirement for retirement for members with 25 or more years of service; and (iii) providing that deputy sheriffs employed by political subdivisions participating in the Virginia Retirement System shall receive the same retirement benefits as sheriffs. This bill has been incorporated into HB 2660.

Patron - Callahan

HB1645 Virginia Retirement System; purchase of retirement service credit. Allows a member in service to purchase prior service credit for service with Amtrak.

Patron - Orrock

HB1673 Virginia Law Officers' Retirement System; membership. Adds probation and parole officers employed by the Department of Juvenile Justice to membership in the Virginia Law Officers' Retirement System.

Patron - Cosgrove

HB1699 Virginia Law Officers' Retirement System (VALORS). Adds juvenile probation and parole officers as members of VALORS.

Patron - Spruill

HB1704 Virginia Retirement System; legal aid employees. Adds to the membership of the Virginia Retirement System all full-time employees of any legal aid office in the Commonwealth.

Patron - Kilgore

HB1747 Virginia Retirement System; Virginia Local Sickness and Disability Program. Creates a new optional local sickness and disability program for local employees similar to the program that exists for state employ-

ees. The Program is optional at the election of each local employer, with all costs to be borne by the local employer. The bill has a delayed effective date of July 1, 2006, but a pilot program is authorized beginning July 1, 2005.

Patron - Tata

HB1817 Virginia Retirement System; purchase of credit for prior part-time federal service. Permits members of the Virginia Retirement System to purchase credit for prior part-time federal service.

Patron - Suit

HB1866 Health insurance credits for state and local retirees. Increases the monthly health insurance credits provided to local and state employees retiring with 25 or more years of creditable service to \$7 per year of creditable service, not to exceed a maximum of \$210 per month. These amounts, as well as the amount of the monthly credits under current law for employees retiring with less than 25 years of service, are indexed to the average annual increase in the premiums for the state retiree health benefits plans. The bill applies to state employees, local employees, teachers, constitutional officers and their employees, and local social service employees, whether they retired before or retire after the effective date of the bill, July 1, 2005. This bill has been incorporated into HB 1627.

Patron - Morgan

HB1985 Virginia Law Officers' Retirement System; membership. Adds probation and parole officers employed by the Department of Juvenile Justice to membership in the Virginia Law Officers' Retirement System.

Patron - Griffith

HB1991 Virginia Retirement System; health insurance credits for certain employees. Provides that the Commonwealth shall provide health insurance credits for retirees who (i) rendered at least 15 years of total creditable service as a constitutional officer, as an employee of a constitutional officer, or as a local social service employee and (ii) after terminating such service, was employed by a local government that does not elect to provide a health insurance credit. This bill has been incorporated into HB 1925.

Patron - Griffith

HB1996 Virginia Retirement System; benefits. Increases monthly retirement benefits of future retirees by increasing the percentage of average final compensation multiplied by the amount of creditable service according to the years of service as follows:

Years of Creditable Service	Percentage of Average Final Compensation
Less than 25	1.70 percent
25 or more but less than 30	1.80 percent
30 or more but less than 35	1.90 percent
35 or more but less than 40	2.0 percent
40 or more	3.0 percent

Under current law the percentage multiplier is 1.70 percent regardless of years of service. The bill provides a higher percentage multiplier to certain members of the Virginia Law Officers' Retirement System who already have a multiplier of 2.0 percent under current law.

Patron - Griffith

HB2083 Virginia Retirement System. Any teacher who is a member of the Virginia Retirement System and any

such retired teacher may purchase up to four years of prior service credit for service in the public school system of Canada at the rate of five percent (i) of creditable compensation at the time of purchase or (ii) of average final compensation, whichever is greater.

Patron - Watts

HB2183 Virginia Retirement System; participation by members of a city council. Includes members of a city council of a city participating in the Virginia Retirement System. The bill also allows a member of a city council to continue to receive a retirement allowance based on creditable service for a position other than as a member of city council.

Patron - Tata

HB2396 Virginia Retirement System; membership credit. Provides membership service for employment as part-time, contract work at the Division of Motor Vehicles.

Patron - Phillips

HB2481 Virginia Retirement System; pilot defined contribution plan. Establishes a pilot program to allow employees hired on or after July 1, 2005, at the University of Virginia, Virginia Polytechnic Institute and State University, and the College of William and Mary the option to participate in the Virginia Retirement System's defined contribution retirement plan.

Patron - May

HB2594 Virginia Law Officers' Retirement System; deputy sheriffs. Makes deputy sheriffs members of the Virginia Law Officers' Retirement System under certain conditions, including the election of such by the respective sheriff. Funding for such membership shall be provided by the Compensation Board. This bill has been incorporated into HB 2660.

Patron - Weatherholtz

HB2660

Retirement; state police officers and certain local law-enforcement officers. Modifies the retirement benefits of state police officers and certain local law-enforcement officers by (i) increasing from 1.7 percent to 2.7 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; (ii) deleting the minimum age requirement for retirement for members with 25 or more years of service; and (iii) providing that deputy sheriffs employed by political subdivisions participating in the Virginia Retirement System shall receive the same retirement benefits as sheriffs. This bill incorporates HB 1637 and HB 2594.

Patron - McDonnell

HB2745 Disability benefits; certain local police departments. Provides that police departments in those localities that elected to establish their own local pension plans (instead of participating through the Virginia Retirement System) shall provide disability benefits to members of their police departments equivalent to the disability benefits provided under the Virginia Retirement System.

Patron - Bell

SB696 Virginia Law Officers' Retirement System. Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 shall instead be paid until Social Security retirement age.

Patron - Ruff

SB703 Health insurance credit for retired teachers. Increases the health insurance credit for retired teachers to \$4

per month for each year of creditable service with no monthly cap. The bill also eliminates the authority for local governments to provide an additional health insurance credit for teachers. Under current law, retired teachers with 15 or more years of service are allowed a health insurance credit of \$2.50 per month for each year of creditable service with a cap of \$75 per month. Retired state employees with 15 or more years of service are allowed a health insurance credit of \$4 per month for each year of creditable service with a cap of \$120 per month.

Patron - Reynolds

SB727 Health insurance credits for retired state employees. Increases the monthly health insurance credits provided to retired state employees from \$4 per year of creditable service to \$6 per year of creditable service, and removes the maximum monthly cap of \$120.

Patron - Potts

SB754 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

SB762 Teacher's retirement allowance. Extends from July 1, 2005, to July 1, 2010, the sunset date for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits. This bill has been incorporated into SB 817.

Patron - Locke

SB840 Virginia Law Enforcement Officers' Retirement System; definition of employee. Adds probation officers, supervisory probation officers, and directors of court services units to the Virginia Law Enforcement Officers' Retirement System.

Patron - Deeds

SB881 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 - Obenshain

SB918 Law-Enforcement Officers Retirement System; emergency medical technicians. Adds full-time salaried emergency medical technicians to the list of those who may receive benefits equivalent to those provided under the State Police Officers' Retirement System.

Patron - Blevins

SB1014 Health insurance credits; teachers and other local school board employees. Increases the monthly health insurance credit to retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill also eliminates an overall cap to the credit, and adds all retired full-time, salaried employees of local school boards as recipients to the credit. Under current law, only teachers and certain administrative personnel are included under the Code provision, while all other retired full-time, salaried employees

of local school boards receive a credit in the amount of \$1.50 for each full year of the retired member's creditable service under a different Code provision for local government employees. The bill is applicable to current and future retirees.

Patron - Hanger

SB1043 Health insurance credit for state employees. Increases the health insurance credit for state employees to \$6 per month for each year of creditable service. The monthly credit, however, shall not exceed \$180 per month. Under current law, retired state employees with 15 or more years of service are allowed a health insurance credit of \$4 per month for each year of creditable service with a cap of \$120 per month.

Patron - Martin

SB1073 Virginia Retirement System; defined contribution plan. Creates a defined contribution plan as an alternative to current defined benefit retirement plans. In general, all employees in any position covered by any retirement plan administered by the Virginia Retirement System are eligible to elect a defined contribution plan in lieu of one of the current defined benefit retirement plans. The employee has 90 days to make an irrevocable election to participate in the defined contribution plan or the defined benefit retirement plan for which he is otherwise eligible. The bill does not amend any of the provisions of deferred compensation plans currently made available to employees.

Patron - Cuccinelli

SB1117 Public institutions of higher education. Provides that certain permanent part-time employees of public institutions of higher education or teaching hospitals affiliated with a public institution of higher education engaged in teaching, administrative, or research duties shall participate in the Virginia Retirement System or in an alternative retirement plan established by the institution. The bill also provides that creditable compensation for employees of a public institution of higher education or a teaching hospital affiliated with the institution shall be the full compensation payable over the term of any contract without regard to whether or not the term of the contract coincides with the normal scholastic year.

Patron - Norment

SB1152 Retirement; deputy sheriffs. Makes deputy sheriffs members of the Virginia Law Officers' Retirement System (VALORS) by election of the county or city for whom the deputy sheriffs serve. The bill also provides that those deputy sheriffs in counties or cities providing Law Enforcement Officers' Retirement System (LEOs) retirement benefits to deputy sheriffs as of June 30, 2005, shall also participate in VALORS; however, any deputy sheriff in service on June 30, 2005, in such county or city may elect to continue retirement coverage under LEOs. Deputy sheriffs participating in VALORS shall receive a 2.0 average final compensation retirement multiplier but shall not receive any annual supplement. For any county or city that provided LEOs benefits to deputy sheriffs as of June 30, 2005, and for any county or city that on or after July 1, 2005, elects for its deputy sheriffs to participate in VALORS, the Compensation Board shall fund or reimburse such county or city one-half of its total retirement costs for state-responsible deputy sheriffs (to include any state-responsible deputy sheriff in service on June 30, 2005, who has elected to continue retirement coverage under LEOs). Total retirement costs are defined as the retirement contributions required for deputy sheriffs whose positions are funded by the Compensation Board. Such costs shall be computed using the salaries of such deputy sheriffs as fixed by the Board. Total retirement costs shall not include the costs of member contributions for

retirement, without regard to whether the member contributions are paid by the county or city or by the deputy sheriff.

Patron - Stolle

SB1221 Virginia Law Officers' Retirement System (VALORS). Adds juvenile probation and parole officers as members of VALORS.

Patron - Colgan

SB1299 Virginia Retirement System; average final compensation retirement multiplier for teachers. Increases from 1.7 to 2.0 the average final compensation retirement multiplier for teachers with 25 or more years of creditable service earned as a teacher. The bill applies to teachers first retiring on or after July 1, 2005.

Patron - Reynolds

SB1340 Virginia Law Officers' Retirement System; hazardous materials response specialist officers. Adds hazardous materials response specialist officers employed by the Virginia Department of Emergency Management to membership in the Virginia Law Officers' Retirement System (VALORS).

Patron - Puckett

Persons with Disabilities

Failed

HB1803 Persons with disabilities; agency reorganization. Consolidates the Department of Rehabilitative Services and the Departments for the Blind and Vision Impaired and the Deaf and Hard-of-Hearing into the Department of Rehabilitative and Disability Services.

Patron - Landes

Police (State)

Passed

HB1966 Department of State Police; terrorism intelligence center. Requires the Governor to establish a multi-agency fusion intelligence center to receive and coordinate terrorist-related intelligence. The center shall be operated by the Department of State Police in cooperation with the Department of Emergency Management.

Patron - Miles

Failed

HB2087 Published list of gangs and criminal organizations. Provides that the State Police shall publish a list of known youth gangs, criminal street gangs, and other criminal organizations identified by location, size, age, and race of membership; unique clothing; unique hand signs; unique practices; and any other identifying characteristics that would enable a court to take judicial notice of the existence thereof for the purposes of prosecution of an individual member.

Patron - Shannon

HB2735 Virginia Racial Profiling and Traffic Statistics Reporting Act. Requires the Department of State Police to develop a statewide database for collecting, correlating, ana-

lyzing, interpreting, and reporting data and information generated related to certain traffic stops. Local police officers and police officers of the Department of State Police would be required to collect certain information pertaining to traffic stops, including the race, ethnicity, color, age, and gender of the alleged traffic offender, and to record the specific reason for the stop, whether the person was interrogated, charged or arrested, and whether a written citation or warning was issued. Police officers also would be required to indicate the specific traffic violation allegedly committed. Police officers participating in the collection of such traffic data and information are granted civil immunity for acts and omissions during the performance of their official duties, absent gross negligence or willful misconduct. The Superintendent must report the findings and make 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, 2008. 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 - Ward

Prisons and Other Methods of Correction

Passed

P HB1765 Telephone systems within correctional facilities. Requires the Department of Corrections to offer pre-paid or debit telephone systems, in addition to existing collect calling systems. Such telephone systems may be established with the lowest available rates. The bill has a delayed effective date of January 1, 2006.

Patron - Dillard

P HB1943 Property conveyance; former Staunton Correctional Center. Authorizes the Governor to convey the former Staunton Correctional Center to the Staunton Industrial Authority without consideration. This bill is identical to SB 1015.

Patron - Saxman

P HB2369 Court orders permitting prisoners to work on certain property. Removes the requirement that court orders allowing prisoners to work on state, county, city, town, and certain private property or nonprofit organization property be written specifically for individual prisoners.

Patron - Bryant

P HB2436 Continued hospitalization of involuntarily admitted prisoners. Provides that when there is no further need for involuntary hospitalization, a prisoner may be retained in the hospital if the prisoner is capable of and consents to voluntary admission, and is determined to be in need of continued hospitalization by a licensed physician, psychiatrist, or clinical psychologist.

Patron - Carrico

P HB2823 Board of Parole; power and duties; parole. Requires that the Board's rules for parole and eligibility be published and posted for public review and that the monthly statement published by the Board regarding action

taken by the Board on the parole of prisoners shall include the basis for denial of parole.

Patron - Rust

P SB1015 Former Staunton Correctional Center; conveyance. Authorizes the Governor to convey the former Staunton Correctional Center to the Staunton Industrial Authority without consideration. This bill is identical to HB 1943.

Patron - Hanger

Failed

F HB1675 Suspension or modification of sentence for cooperation with prosecution. Provides that when a person has been sentenced for a felony to the Department of Corrections, the court that heard the case may, after a hearing upon motion of the Commonwealth, suspend all or part of the unserved portion of the person's sentence. This intends to accommodate a case where an inmate cooperates and testifies in the prosecution of another person.

Patron - Cosgrove

F HB1713 Residential community programs. Requires the Department of Corrections to give nonviolent prisoners who have not been sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration, aggravated sexual battery, or sentenced to one or more life terms the opportunity, where available, to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to up to 30 percent of gross earnings. This bill is identical to and incorporates HB 1764.

Patron - Shuler

F HB1764 Residential community programs. Requires the Department of Corrections to give nonviolent prisoners who have not been sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration or aggravated sexual battery or sentenced to life imprisonment the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to up to 30 percent of gross earnings. This bill is identical to and has been incorporated into HB 1713.

Patron - Dillard

F HB1995 Regional jails. Extends the deadline for consideration of construction, enlargement, or renovation of certain local or regional jail facilities as that deadline applies to Roanoke County-Salem Jail under the appropriations act. This bill contains an emergency clause to make it effective upon passage.

Patron - Griffith

F HB2108 Good conduct credit for home/electronic incarceration. Provides that each prisoner sentenced to 12 months or less for a misdemeanor or any combination of misdemeanors shall earn good conduct credit at the rate of one day for each one day served in confinement or in home/electronic incarceration. Currently, pursuant to a 1997 opinion of the Attorney General, a prisoner may not earn good conduct credit for home/electronic incarceration.

Patron - McQuigg

HB2360 Reading for Good Time. Establishes a Reading for Good Time credits program in which inmates can receive additional good conduct allowance for reading and passing examinations on approved material. Good conduct allowance is applied to reduce the person's maximum term of confinement in any state correctional facility.

Patron - Watts

HB2480 Private operation of local jail facilities. Allows the privatization of local jails using the same procedures as adopted for the privatization of regional jail facilities (e.g., standards for contractors, indemnification, authority and duties of contractors and employees).

Patron - May

HB2500 Required testing of prisoners for viral hepatitis. Requires the Department of Corrections to test each prisoner committed to the Department for hepatitis B and hepatitis C. Prisoners found to be currently infected with hepatitis B or hepatitis C shall be vaccinated for hepatitis A and hepatitis B and shall be provided treatment in accordance with Food and Drug Administration approved therapies.

Patron - Amundson

HB2724 Child-friendly visiting rooms in state and local correctional facilities. Requires each state and local correctional facility to provide child-friendly visiting rooms which include activities for young children, adequate facilities with private areas for nursing, and regulations that do not penalize inmates with sanctions, such as the termination of a visit, for normal child behavior.

Patron - Scott, J.M.

HB2726 Discharge of prisoner; required records to be provided to prisoner upon release. Requires the Director of the Department of Corrections to provide each prisoner with the following documents upon discharge: (i) the prisoner's medical records, including copies of current prescriptions and a physician's summary of continuing or pending medical treatment; (ii) verification of the prisoner's work history while in custody; and (iii) verification of all educational and treatment programs completed by the prisoner while in custody.

Patron - Scott, J.M.

HB2755 Procedures for restoration of right to vote for certain persons. Eliminates the requirement that persons convicted of nonviolent felonies must wait five years after completion of sentence to petition through the courts for restoration of their right to vote.

Patron - Bland

HB2779 Mandatory parole. Defines "technical violation" as any failure to adhere to conditions of parole that is not deliberate defiance or does not constitute further criminal conduct. The bill provides that technical violators will not be required to serve the minimum six months prior to release following parole revocation and that good conduct credits will apply to sentences served as the result of parole violations that were technical.

Patron - Shuler

HB2890 Board of Corrections; membership; powers. Increases the membership of the State Board of Corrections from nine to 12 members and requires the appointees to include three community leaders, three elected officials, three members of the medical profession, and three citizens with an immediate family member incarcerated within the Commonwealth of Virginia. The bill also requires the Board to report to

the Governor on a quarterly basis and to the General Assembly at least once per year during the month of November. Finally, the bill allows the Board to enter and inspect Department of Corrections' facilities at any time.

Patron - Ebbin

HB2915 Board of Corrections; zoning ordinances. Gives the Board of Corrections the authority to license community-based or privately operated residential facilities or group homes for the purpose of housing and providing for the temporary care of probationers and parolees. The bill also restricts zoning ordinances from (i) impeding the integration of formerly incarcerated persons into the community, or (ii) excluding the use of residential transitional housing for formerly incarcerated persons where such multioccupancy dwellings or facilities are already permitted for other purposes.

Patron - Eisenberg

HB2917 Correctional officer; definition. Provides that any person serving in the capacity of warden, assistant warden, or superintendent of a state correctional facility shall be a certified correctional officer.

Patron - Spruill

SB805 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 - Marsh

SB870 Mandatory release on parole. Provides that a prisoner whose parole is revoked on a technical violation is not required to serve the minimum six months. Under this bill, the prisoner would receive credit for good time if the parole violation was technical, but not if the violation involved a new and subsequent charge. "Technical violation" means any failure to adhere to conditions of parole that is not deliberate defiance of those conditions or does not constitute further criminal conduct or both.

Patron - Quayle

SB940 Illegal conveyance or possession of cellular telephone by prisoner; penalty. Creates a Class 6 felony for providing or causing to be provided a cellular telephone to an incarcerated prisoner, or for an incarcerated prisoner to possess a cellular telephone during the period of his incarceration.

Patron - Puckett

SB941 State Board of Corrections; powers and duties. Authorizes the Board to designate one or more state correctional facilities as drug rehabilitation facilities for non-violent offenders whose crimes are related to drug abuse or drug addiction.

Patron - Puckett

Professions and Occupations

Passed

HB160 Practice of optometry in commercial or mercantile establishments. Provides that an optometrist shall be deemed to be practicing in a commercial or mercantile establishment if he practices in any location that provides

direct access to or from such an establishment. The bill defines "direct access," and stipulates that certain optometric and ophthalmologic practices are not commercial or mercantile establishments. It remains unlawful under this bill for optometrists to practice in commercial and mercantile establishments. The bill contains a delayed effective date clause (December 31, 2005). This bill is identical to SB 272.

Patron - Reid

HB1606 Expedited licensure or certification of certain nurses. Authorizes the Board of Nursing to expedite application processing, to the extent possible, for an applicant for licensure or certification, upon submission of evidence that the applicant, who is licensed or certified in another state, is relocating to the Commonwealth pursuant to a spouse's official military orders.

Patron - Baskerville

HB1607 Contact information during a health emergency. Requires the Department of Health Professions, as the licensing authority, to provide to the State Veterinarian the e-mail addresses, telephone numbers and facsimile numbers of licensed veterinarians in the event of an animal health emergency. The Department and the State Veterinarian are prohibited from publishing, releasing, or making available the contact information for any other purpose.

Patron - Shuler

HB1683 Civil immunity; disposal of a dead body. Immunizes any funeral service establishment, funeral service licensee, or registered crematory from civil liability for disposing of a dead body unless it acted in bad faith or with malicious intent. This bill incorporates HB 1554.

Patron - Janis

HB1732 Department of Professional and Occupational Regulation; regulation of martial arts competitions. Includes martial arts competitions under the existing regulation of boxing and wrestling competitions. The bill defines martial arts as any of several Asian arts of combat or self-defense, including but not limited to aikido, karate, judo, or tae kwon do, usually practiced as sport and which may involve the use of striking weapons.

Patron - Cosgrove

HB1865 Health professions; executive director of the Board of Pharmacy. Requires the executive director of the Board of Pharmacy to be a pharmacist. The present and past executive directors of the Board of Pharmacy have been pharmacists; however, the law has not previously mandated this qualification.

Patron - Morgan

HB1921 Board for Contractors; water well systems provider licensure and certification. Requires the State Board for Contractors to establish a water well systems provider certification program beginning July 1, 2007. Regulations shall establish three levels of certification: trainee, journeyman, and master driller. From the period of one through five years after the required regulations become effective, no person shall engage in the construction of a water well unless a certified water well contractor (of any level of certification) is onsite at all times during the construction. After five years, the onsite certified water well contractor must be a master driller. The bill exempts certain individuals from any examination requirements of the program if they provide satisfactory proof of continuous experience in water well construction.

Patron - Cox

HB1932 Department of Professional and Occupational Regulation; powers and duties of regulatory boards. Authorizes regulatory boards assigned to the Department of Professional and Occupational Regulation (DPOR) to place regulants on probation for statutory or regulatory violations. Conditions of probation may include, but not be limited to, the successful completion of remedial education or examination. The bill also authorizes the regulatory boards to delegate authority to (i) the Director of DPOR to enter into consent agreements with regulants to resolve regulatory violations and (ii) sworn investigators appointed by the Director to conduct inspections.

Patron - Shannon

HB1939 Health professions; unprofessional conduct. Consolidates and updates various provisions relating to the Board of Medicine's licensure and disciplinary authority and the appointments to the Board. The bill removes the Virginia Academy of Clinical Psychologists from the nomination process for the appointment of members to the Board of Medicine because the clinical psychologist position on the Board was abolished several years ago when the licensure of clinical psychologists was placed solely with the Board of Psychology. The bill amends the Board's provisions on unprofessional conduct to consolidate all elements of unprofessional conduct into one section and now clearly provides that the provisions apply to applicants for licensure, as well as licensees of the Board. Finally, the bill clarifies the actions constituting unprofessional conduct by consolidating the enumerated behavior into one statute. Thus, the Board's authority is clear in regard to denial of a license or certificate or refusal to admit a candidate to an examination or other disciplinary actions for all professions regulated by the Board.

Patron - O'Bannon

HB2038 Health professions; practice of midwifery. Provides for the licensing by the Board of Medicine of those persons who have obtained the Certified Professional Midwife credential to practice midwifery pursuant to regulations adopted by the Board of Medicine. The Board of Medicine shall adopt regulations, with advice from the Advisory Board on Midwifery established in this bill. The regulations shall (i) address the requirements for licensure to practice midwifery, (ii) be consistent with the current job analysis for the profession except that prescriptive authority and the possession and administration of controlled substances shall be prohibited, (iii) ensure independent practice, (iv) provide for an appropriate license fee, and (v) include requirements for licensure renewal and continuing education. The regulations shall not (a) require any agreement, written or otherwise, with another health care professional or (b) require the assessment of a woman who is seeking midwifery services by another health care professional. Licensed midwives must disclose to clients certain background information, including their training and experience, written protocol for medical emergencies, malpractice or liability insurance coverage, and procedures to file complaints with the Board of Medicine. The bill provides immunity to physicians, nurses, prehospital emergency personnel or health care institutions for acts resulting from the administration of services by any licensed midwife. This bill is identical to SB 1259.

Patron - Hamilton

HB2123 Department of Professional and Occupational Regulation; unlicensed activity. Provides that any person convicted of a violation of certain enumerated acts may also be ordered by the court to pay restitution.

Patron - Eisenberg

HB2237 Practitioner Self-Referral Act; exemption. Exempts from prohibited practitioner self-referrals law (i) the health services to be received by a patient referred by a practitioner to that practitioner's immediate family member's office or group practice when the referral is within the scope of practice and the treating practitioner to whom the patient is referred is duly qualified and licensed to provide the health services to be received and (ii) the primary purpose of the referral is to obtain the appropriate professional health services for the patient being referred and the primary purpose of the referral is not for the provision of certain designated health services.

Patron - O'Bannon

HB2242 Pharmacy interns. Permits pharmacy interns to provide medication counseling and perform all other acts a pharmacist may perform under the Drug Control Act, including immunizations, if the supervising pharmacist is directly monitoring these activities.

Patron - O'Bannon

HB2260 Health professions; unlawful advertising signage; exemption. Creates an exemption for certain historic buildings not currently operated as pharmacies, allowing such buildings to post signage indicating the operation of a pharmacy or drugstore provided that the signage relates to the historic character of the building. Currently, such signage is prohibited on any building that does not operate as a pharmacy.

Patron - Bell

HB2368 Health; licensure of dentists by credentials and volunteer licenses for retired dentists and dental hygienists. Clarifies or revises various requirements for licensure to practice dentistry and dental hygiene, including the Board's inspection authority, nominations to the Governor for Board appointments, conditions for inactive licenses, permissible practices of dental assistants, authority to practice under a firm or trade name, and causes for suspension, revocation or other sanctions. The bill authorizes the Board of Dentistry to grant, without an additional examination, a license to practice dentistry or dental hygiene in Virginia to persons holding current, unrestricted licenses to practice in another state who satisfy certain credentialing requirements. For example, out-of-state dentists will be required to have passed Part I and Part II of the examination given by the Joint Commission on National Dental Examinations, be of good moral character, be graduates of accredited dental schools, have not failed a clinical examination in the past five years, and have been in continuous clinical practice for five of the six preceding years. The bill further clarifies the Board's authority and requirements for issuance of volunteer licenses to retired dentists or dental hygienists, licenses to teach dentistry, and temporary permits for clinicians. The Board must promulgate emergency regulations. This bill is identical to SB 1127.

Patron - Bryant

HB2429 Prescription Monitoring Program. Expands the Prescription Monitoring Program to include reporting by out-of-state dispensers (nonresident pharmacies) and to cover the entire Commonwealth. To assist in verifying the validity of a prescription, the bill extends the authority to query the system to prescribers licensed in other states and to pharmacists. The fourth and fifth enactment clauses of Chapter 481 of the 2002 Acts of Assembly are repealed to remove the funding contingencies and the restriction on the application of the program to a pilot project covering the southwestern region of Virginia. The program requires the reporting of "covered substances," that, pursuant to this bill, will include all controlled substances in Schedules II, III, and IV of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1. Emergency

regulations must be promulgated by the Director. Although the bill will be effective in due course, i.e., July 1, 2005, its provisions will not be implemented or enforced until the date on which the emergency regulations become effective. The Director is required to notify all out-of-state and Virginia dispensers who will be newly subject to the reporting requirements of the Prescription Monitoring Program prior to the date on which the provisions of this act will be implemented and enforced. This bill is identical to SB1098.

Patron - Hamilton

HB2431 Health professions; certain practitioner information provided to patients. Requires, upon request by a patient, doctors of medicine, osteopathy, and podiatry to inform patients (i) about procedures to access information on the doctor compiled by the Board of Medicine and (ii) that, if the patient is not covered by a health insurance plan that the doctor accepts or a managed care health insurance plan in which the doctor participates, the patient may be subject to the doctor's full charge, which may be greater than the health plan's allowable charge.

Patron - Hamilton

HB2510 Department of Professional and Occupational Regulation; Board for Barbers and Cosmetology; regulation of estheticians. Provides for the licensure of estheticians. The bill defines estheticians and requires the Board for Barbers and Cosmetology to adopt regulations governing the practice of esthetics and schools of esthetics and instructors thereof by July 1, 2007. The bill defines "master esthetician" as a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, lymphatic drainage, chemical exfoliation, and microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than schedules II through VI controlled substances, and microdermabrasion. The bill also increases from eight to 10 the membership of the Board by adding two members who are licensed as estheticians, at least one of whom is an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school. Finally, the bill contains waiver provisions from licensure examinations for those meeting certain requirements. The bill has a delayed enactment (July 1, 2007), except for the provisions relating to Board membership.

Patron - Welch

HB2524 Drug Control Act; compounding. Excludes from the definition of "compounding" the mixing, diluting, or reconstituting of a manufacturer's product for the purpose of administration to a patient when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 of Title 54.1 or a person supervised by such a practitioner. The bill further excludes from the definition of "dispense" the transportation of drugs mixed, diluted, or reconstituted in accordance with Chapter 34 of Title 54.1 to other sites operated by such practitioner or practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" only includes the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice. Emergency regulations are required. This bill incorporates HB 2043.

Patron - O'Bannon

HB2526 Health professions; athletic trainers. Allows out-of-state practitioners of one of the professions regulated by the Board of Medicine to travel with a team or athlete and practice in Virginia for the duration of the event. The bill

allows licensed athletic trainers to possess and administer certain Schedule VI topical drugs routinely used in their practice and to possess and administer epinephrine for anaphylactic shock. The bill also contains a technical amendment.

Patron - O'Bannon

HB2538 Health; registration of nonresident pharmacies; summary proceedings. Provides that the Board of Pharmacy will only register nonresident pharmacies that maintain a current unrestricted registration or license as a pharmacy in a jurisdiction that may lawfully deliver prescription drugs directly or indirectly to consumers within the United States. Such registration of nonresident pharmacies shall be immediately suspended, without a hearing, upon receipt of documentation by the licensing agency in the jurisdiction where a nonresident pharmacy registered with the Board is located that it has had its license or registration as a pharmacy revoked or suspended by that agency or that the nonresident pharmacy no longer holds a valid unexpired license or registration as a pharmacy. Further, the Board may summarily suspend the registration of any nonresident pharmacy without a hearing, simultaneously with the institution of proceedings for a hearing, if it finds that there is a substantial danger to the public health or safety that warrants such action. A nonresident pharmacy with a suspended registration shall not ship, mail, or deliver any Schedule II through VI drugs into the Commonwealth unless reinstated by the Board.

Patron - Jones, S.C.

HB2549 Receivers for attorneys. Clarifies and makes more specific provisions regarding receiverships for attorneys who become disabled, impaired, absent, deceased, suspended, or disbarred. The bill also provides that receivers of attorneys' practices will be covered under the State's risk management plan when acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization. This bill is identical to SB 831.

Patron - Moran

HB2584 Persons who may witness an advance directive. Authorizes any person over the age of 18, including a spouse or blood relative of the declarant, to serve as a witness for the advance directive. Current law prohibits a spouse or blood relative from serving as a witness.

Patron - Kilgore

HB2598 Department of Health Professions; Board of Funeral Directors and Embalmers; licensing of funeral service providers and approval of resident trainees. Removes the restriction on licensure of convicted felons. The bill also reduces the time in which a resident trainee may apply and take the examination for licensure and clarifies the time period in which a resident trainee may practice. The Board of Funeral Directors and Embalmers is authorized to deny subsequent traineeships if the first traineeship is not completed within a certain time. The bill prohibits the approval of any person as a resident trainee who has been convicted of embezzlement or of defiling a dead human body. In addition, the Board must provide renewal notices by mail to licensees, upon request. The bill contains technical amendments.

Patron - Ware, O.

HB2683 Firearms shows; prior notice. Eliminates the requirement that gun show promoters provide a list of vendors and exhibitors to the State Police and the sheriff or chief of police of the locality in which the show will be held 72 hours prior to the show. Gun show promoters will still be required to provide law enforcement with at least 30 days' notice of any show. The bill also changes from 72 hours to five days the time within which the promoter must send the vendor

and exhibitor list after the show and would allow a promoter to send that list via e-mail.

Patron - Lingamfelter

HB2711 Practice of fitting or dealing in hearing aids. Amends current definition of the practice of fitting and dealing in hearing aids to be the practice of fitting "or" dealing in hearing aids. The bill makes similar changes to the relevant licensing provisions.

Patron - Sickles

HB2716 Health professions; pharmacy and the schedule of drugs. Adds to and deletes certain drugs from Schedule I and adds Dihydroetorphine, Carfentanil, and Sufentanil to Schedule II to conform to recent changes in federal drug schedules. The bill corrects errors in spelling, nomenclature, and formatting and adds other names for chemical entities already listed.

Patron - Morgan

HB2804 Civil immunity; persons making voluntary reports regarding health care practitioners. Immunizes from civil liability any person who makes a voluntary report to the appropriate regulatory board or to the Department of Health Professions regarding the unprofessional conduct or competency of any practitioner licensed, certified, or registered by that health regulatory board, unless he acts maliciously or in bad faith. Current law immunizes those persons making reports required by law or pursuant to an investigation or testimony in a judicial or administrative proceeding.

Patron - Van Yahres

HB2843 Real Estate Board; powers; cease and desist orders; civil penalty. Authorizes the Real Estate Board to issue cease and desist orders for unlicensed activity. The bill provides for a right of appeal of the Real Estate Board's issuance of such an order and specifies the civil penalty.

Patron - McDougle

HB2857 Drug Control Act; compounding. Conforms the compounding provisions in the Drug Control Act to the United States Pharmacopeia-National Formulary standards for pharmacy compounding.

Patron - Jones, S.C.

HB2863 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; land surveying. Provides an exemption from licensure as a land surveyor for persons utilizing photogrammetric methods or similar remote sensing technology to determine topography, contours, or depiction of physical improvements provided such determination shall not be used for the design, modification, or construction of improvements to real property, or for flood plain determination. The bill authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to adopt regulations establishing different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology and who are not otherwise exempt. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services. This bill is identical to SB 1306.

Patron - Bryant

SB272 Practice of optometry in commercial or mercantile establishments. Provides that an optometrist shall

be deemed to be practicing in a commercial or mercantile establishment if he practices in any location that provides direct access to or from such an establishment. The bill defines "direct access," and stipulates that certain optometric and ophthalmologic practices are not commercial or mercantile establishments. It remains unlawful under this bill for optometrists to practice in commercial and mercantile establishments. The bill contains a delayed effective date clause (December 31, 2005). This bill is identical to HB 160.

Patron - Quayle

SB716 Physician assistants practicing in hospital emergency departments. Authorizes physician assistants who are not employed to practice in emergency departments of hospitals to so practice, within the scope of their practice, while under continuous physician supervision, regardless of whether the supervising physician is physically present in the facility. The supervising physician must retain exclusive supervisory control of and responsibility for the assistant and be available at all times for consultation with both the assistant and the emergency department physician. The assistant must communicate the proposed disposition plan prior to the patient's discharge to both his supervising physician and the emergency department physician.

Patron - Edwards

SB831 Receivers for attorneys. Clarifies and makes more specific provisions regarding receiverships for attorneys who become disabled, impaired, absent, deceased, suspended, or disbarred. The bill also provides that receivers of attorneys' practices will be covered under the State's risk management plan when acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization. This bill is identical to HB 2549.

Patron - Mims

SB916 Department of Professional and Occupational Regulation; Board for Contractors; Contractor Transaction Recovery Fund. Increases the maximum amount of a single claim against the Contractor Transaction Recovery Fund from \$10,000 to \$20,000.

Patron - Marsh

SB1090 Department of Professional and Occupational Regulation; Board for Contractors; Class B contractor license. Raises the limit for Class B licensed contractors for a single contract from \$70,000 to \$120,000 and for total contracts within a 12-month period from \$500,000 to \$750,000. The threshold requirements for Class A licensed contractors are also made to account for the increased Class B thresholds. The bill also specifies that the designated employee of the contractor may be a member of the contractor's responsible management personnel. The bill also provides an exemption from licensure as a contractor under certain circumstances for an owner-developer, defined in the bill as any person who, for a third party purchaser, orders or supervises the construction, removal, repair, or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by the owner-developer, or any other improvement to such property and who contracts with a person licensed for the work undertaken.

Patron - Puckett

SB1098 Prescription Monitoring Program. Expands the Prescription Monitoring Program to include reporting by out-of-state dispensers (nonresident pharmacies) and to cover the entire Commonwealth. To assist in verifying the validity of a prescription, the bill extends the authority to query the system to prescribers licensed in other states and to pharmacists. The fourth and fifth enactment clauses of Chapter

481 of the 2002 Acts of Assembly are repealed to remove the funding contingencies and the restriction on the application of the program to a pilot project covering the southwestern region of Virginia. The program requires the reporting of "covered substances," that, pursuant to this bill, will include all controlled substances in Schedules II, III, and IV of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1. Emergency regulations must be promulgated by the Director. Although the bill will be effective in due course, i.e., July 1, 2005, its provisions will not be implemented or enforced until the date on which the emergency regulations become effective. The Director is required to notify all out-of-state and Virginia dispensers who will be newly subject to the reporting requirements of the Prescription Monitoring Program prior to the date on which the provisions of this act will be implemented and enforced. This bill is identical to HB 2429.

Patron - Wampler

SB1127 Health; licensure of dentists by credentials and volunteer licenses for retired dentists and dental hygienists. Clarifies or revises various requirements for licensure to practice dentistry and dental hygiene, including the Board's inspection authority, nominations to the Governor for Board appointments, conditions for inactive licenses, permissible practices of dental assistants, authority to practice under a firm or trade name, and causes for suspension, revocation or other sanctions. The bill authorizes the Board of Dentistry to grant, without an additional examination, a license to practice dentistry or dental hygiene in Virginia to persons holding current, unrestricted licenses to practice in another state who satisfy certain credentialing requirements. For example, out-of-state dentists will be required to have passed Part I and Part II of the examination given by the Joint Commission on National Dental Examinations, are of good moral character, graduates of accredited dental schools, have not failed a clinical examination in the past five years, and have been in continuous clinical practice for five of the six preceding years. The bill further clarifies the Board's authority and requirements for issuance of volunteer licenses to retired dentists or dental hygienists, licenses to teach dentistry, and temporary permits for clinicians. The Board must promulgate emergency regulations. This bill is identical to HB 2368.

Patron - Houck

SB1166 Cemetery operators, perpetual care trust funds and preneed burial contracts; penalties. Revises the penalty provisions to provide that a violation of the regulatory statutes must have been willful and intentional to constitute a misdemeanor. In order to constitute a felony the action must have been done with the intent to defraud.

Patron - Stolle

SB1259 Health professions; practice of midwifery. Provides for the licensing by the Board of Medicine of those persons who have obtained the Certified Professional Midwife credential to practice midwifery pursuant to regulations adopted by the Board of Medicine. The Board of Medicine shall adopt regulations, with advice from the Advisory Board on Midwifery established in this bill. The regulations shall (i) address the requirements for licensure to practice midwifery, (ii) be consistent with the current job analysis for the profession except that prescriptive authority and the possession and administration of controlled substances shall be prohibited, (iii) ensure independent practice, (iv) provide for an appropriate license fee, and (v) include requirements for licensure renewal and continuing education. The regulations shall not (a) require any agreement, written or otherwise, with another health care professional or (b) require the assessment of a woman who is seeking midwifery services by another health care professional. Licensed midwives must disclose to clients certain

background information, including their training and experience, written protocol for medical emergencies, malpractice or liability insurance coverage, and procedures to file complaints with the Board of Medicine. The bill provides immunity to physicians, nurses, prehospital emergency personnel or health care institutions for acts resulting from the administration of services by any licensed midwife. This bill is identical to HB 2038.

Patron - Quayle

SB1306 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; land surveying. Provides an exemption from licensure as a land surveyor for persons utilizing photogrammetric methods or similar remote sensing technology to determine topography, contours, or depiction of physical improvements provided such determination shall not be used for the design, modification, or construction of improvements to real property, or for flood plain determination. The bill authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to adopt regulations establishing different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology and who are not otherwise exempt. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services. This bill is identical to HB 2863.

Patron - Mims

SB1326 Health; wholesale drug distributors; pedigree system. Directs the Board of Health to promulgate regulations establishing and implementing a pedigree system to record each distribution of a controlled substance from sale by a pharmaceutical manufacturer through acquisition and sale by any wholesale distributor, until final sale to a pharmacy or other person dispensing or administering the controlled substance. The Board must structure the implementation of the pedigree with limited application to certain schedules or certain drugs upon finding that such drugs are more subject to counterfeiting. The bill also includes a definition of "pedigree."

Patron - Ruff

Failed

HB455 Health professions; licensure of dietitians. Requires dietitians to be licensed by the Board of Medicine. The "practice of dietetics" is defined as the integration and application of principles derived from the sciences of nutrition, biochemistry, food, physiology, management and behavioral and social sciences to achieve and maintain health through the provision of nutrition care services that shall include (i) assessing the nutrition needs of individuals and groups based upon appropriate biochemical, anthropomorphic, physical, and dietary data to determine nutrient needs and recommending appropriate intake including enteral and parenteral nutrition; (ii) establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources; (iii) providing dietetic nutrition counseling by advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status; (iv) developing, implementing, and managing nutrition care delivery systems; and (v) evaluating, making

changes in, and maintaining standards of quality in food and nutrition care services. The bill provides that the practice of dietetics includes medical nutrition therapy. The Board of Medicine is given the authority to establish criteria for licensure that include (a) at least a bachelors degree in human nutrition, nutrition education, foods and nutrition, food systems management, dietetics, or public health nutrition or a related field from an accredited college that meets the requirements of the Commission on Dietetic Registration; (b) at least 900 hours of supervised experience approved by the Commission on Dietetic Registration; (c) passage of the examination for registration administered by the Commission on Dietetic Registration or current registration with the Commission on Dietetic Registration; and (d) documentation that the applicant for licensure has not had his license or certification as a dietitian suspended or revoked and is not the subject of any disciplinary proceedings in another jurisdiction. Exceptions to the licensure requirement are provided for (1) any student performing activities related to an educational program under the supervision of a licensed dietitian or any person completing the supervised practice required for licensure; (2) a registered dietetic technician working under the supervision and direction of a licensed dietitian; (3) a government employee or a person under contract to the government acting within the scope of such employment or contract; (4) any health professional licensed or certified under this title when engaging in the profession for which he is licensed or any person working under the supervision of such a professional; (5) a certified teacher employed by or under contract to any public or private elementary or secondary school or institution of higher education; (6) any person with management responsibility for food service department policies, procedures, or outcomes in any food service department in any program or facility licensed by the Commonwealth; (7) any person who does not hold himself out to be a dietitian who furnishes general nutrition information on food, food products, or dietary supplements or explains to customers about food, food products, or dietary supplements in connection with marketing and distribution of food or food products; or (8) any person who provides weight control, wellness, or exercise services involving nutrition provided the program has been reviewed by a licensed dietitian, no change is initiated without prior approval of the dietitian, and consultation is available from a licensed dietitian. No dietitian employed as such prior to June 30, 2004, will be required to comply with licensure until July 1, 2006. Finally, the bill creates an Advisory Board on Dietitians that expires July 1, 2007.

Patron - McQuigg

HB1554 Funeral service establishment. Permits a funeral service establishment to accept a dead human body without having first inquired about the desires of the next of kin and the persons liable for the funeral expenses of the decedent from a sheriff with a judicial order for disposition of the body and, when appropriate, the necessary certification of the medical examiner to cremate. This bill has been incorporated into HB 1683.

Patron - Alexander

HB1850 Department of Professional and Occupational Regulation; availability of examinations in languages other than English. In addition to the general powers and duties conferred on regulatory boards, the regulatory boards within the Department that are authorized to conduct examinations of applicants for admission to practice or pursue a profession, vocation, trade, calling, or art regulated by the Department, shall make available, upon the request of any such applicant, an examination that has been translated into Spanish. The bill also provides that these regulatory boards may trans-

late examinations into other languages as the respective board deems appropriate.

Patron - Eisenberg

HB1940 Health professions; competency evaluations of certain practitioners. Requires the Board of Medicine to do an assessment of the competency of certain practitioners on whose behalf three medical malpractice claims are paid in a 10-year period. This bill has been incorporated into HB 2659.

Patron - O'Bannon

HB2005 The practice of healing arts by electronic mediums and by out-of-state practitioners. Amends the exception to Virginia licensing requirements regarding out-of-state practitioners to allow a licensing exception for practitioners who come into Virginia, either in person or by use of any electronic or other mediums, to consult with legally licensed resident practitioners or to consult with personnel at a medical school about educational or medical training, only if this is done on an irregular basis. This exception specifically excludes practitioners residing in a neighboring state who regularly practice in Virginia. The bill also adds the use of electronic or other mediums including prescribing medication by use of the Internet or a toll-free number to the Code section that states what constitutes the practice of healing arts, and subjects any person so practicing to the relevant state statutes and Board regulations. The bill attempts to parallel similar provisions in North Carolina law.

Patron - Armstrong

HB2042 Mandated disclosure of medical treatment options. Requires any physician to disclose all known and available medical treatment options, orally and in written form, to patients. The oral and written information shall be communicated in nontechnical, readily understandable language, using words of common, everyday usage. However, no such disclosure shall be required if (i) the physician treating the patient determines that the information, if given to the patient, would be reasonably likely to endanger the life or physical safety of or cause substantial harm to the patient; (ii) the patient is an incapacitated person; or (iii) the patient states affirmatively that he does not want the information. If the physician does not make such disclosure to a patient, he shall record the fact and the reason in the patient's record. The physician may make such disclosure to a family member of the patient, at the patient's request, or to a legally authorized representative of the patient.

Patron - Hamilton

HB2043 Drug Control Act; compounding. Excludes from the definition of "compounding" acts of those persons authorized by Chapter 29 of Title 54.1 (i) to administer controlled substances and (ii) to administer controlled substances for a patient under the supervision of one so authorized by Chapter 29 of Title 54.1. This bill has been incorporated into HB 2524.

Patron - Hamilton

HB2044 Prescription Monitoring Program. Expands the Prescription Monitoring Program to include reporting by out-of-state dispensers (nonresident pharmacies) and prescribers licensed in other states and to cover the entire Commonwealth. The fourth and fifth enactment clauses of Chapter 481 of the 2002 Acts of Assembly are repealed to remove the funding contingencies and the restriction on the application of the program to a pilot project covering the southwestern region of Virginia. The program requires the reporting of "covered substances," which, pursuant to this bill, will include all controlled substances included on Schedules II, III,

and IV in the Drug Control Act. January 1, 2006 is the effective date of the bill; however, emergency regulations must be promulgated by the Director who must also notify, prior to January 1, 2006, all out-of-state and Virginia dispensers who will be newly subject to the reporting requirements of the Prescription Monitoring Program.

Patron - Hamilton

HB2088 Schedule I controlled substances; additional substance. Adds 1-(3-trifluoromethylphenyl)piperazine (TFMPP) to the list of Schedule I controlled substances.

Patron - Shannon

HB2142 Legal malpractice; Clients' Protection Fund. Requires the Virginia State Bar to assess attorneys who are licensed to practice law in Virginia and engaged in the active practice of law but are not covered by a legal malpractice insurance policy or by the risk management program adopted by the Division of Risk Management \$1,500 annually, to be deposited into the Clients' Protection Fund. The requirement does not apply to government attorneys; attorneys employed solely as in-house counsel for a corporation or other business entity; attorneys registered as lobbyists; and other attorneys who do not normally represent the general public.

Patron - Joannou

HB2205 Disclosure of certain malpractice settlements via the Physician Information Project. Modifies the reporting and disclosure requirements concerning malpractice settlements relating to physicians of medicine, osteopathy, and podiatry. The bill prohibits the disclosure online via the Physician Information Project of malpractice settlements that are required to be reported by insurance companies, and limits reports to the Board of Medicine from individual physicians to malpractice judgments. The settlements will still be reported to the Board of Medicine by the malpractice carriers.

Patron - Marrs

HB2402 Life skills trainers; licensure exemption. Exempts, from the requirements for licensure to practice occupational therapy, those persons employed or contracted to provide living skills training to persons with disabilities in a facility or program designed to promote independent living for such persons.

Patron - Phillips

HB2488 Practice of naturopathy; definition; requirements for licensure; advisory board established. Requires practitioners of naturopathy to be licensed by the Board of Medicine. The Board is required to promulgate regulations governing the qualifications of licensure. Authorized scope of practice of naturopathy shall include manual manipulation, or mechanotherapy; and the prescription, administration, dispensing, and use of, except for the treatment of malignancies or neoplastic disease: (i) nutrition and food science; (ii) physical modalities; (iii) homeopathy; (iv) certain medicines of mineral, animal, and botanical origin; (v) hygiene and immunization; and (vi) common diagnostic procedures. The bill also establishes an advisory board with five members appointed by the Governor to assist the Board of Medicine with regard to the practice of naturopathy.

Patron - Petersen

HB2518 The practice of optometry in commercial establishments; reporting requirements. Removes the current law prohibiting optometrists from practicing as a lessee of or in a commercial or mercantile establishment, including the prohibition on advertising through such establishment. The bill also provides that failure to report (i) suspected instances of optometrists being supervised by agents or employees of com-

mercial establishments, and (ii) instances where an agent or employee of a commercial establishment is controlling or influencing an optometrist's professional judgment could result in the revocation or suspension of provisions of an optometrist's license.

Patron - O'Bannon

HB2550 Advance medical directives. Specifies that advance medical directives can grant the agent the power to authorize the declarant's admission to or discharge (including transfer to another facility) from any hospital, hospice, nursing home, adult home, or other medical care facility, if the declarant is determined incapable of making an informed decision.

Patron - Moran

HB2783 Veterinary assistants. Requires the Board of Veterinary Medicine to adopt regulations authorizing unlicensed veterinary assistants, while in the employ and under the immediate and direct supervision and control of a person licensed to practice veterinary medicine, to perform certain duties that are normally performed by licensed veterinary technicians. Such authorized duties shall include, but not be limited to, placing and securing intravenous catheters.

Patron - Ward

HB2896 Assisted living facilities; administrators to be licensed. Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. The licensing provisions shall not take effect until July 1, 2007. The Board of Long-Term Care Administrators shall submit the proposed criteria for licensing assisted living administrators to the chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on or before January 1, 2006. This bill is identical to SB 1185 and has been incorporated into HB 2512.

Patron - BaCote

SB829 Health; treatment of narrow angle glaucoma. Provides that treatment of narrow angle glaucoma by optometrists must include timely referral to an ophthalmologist for consideration of preventive invasive procedures. The bill also includes definitions of "narrow angle glaucoma" and "adnexa" and prohibits treatment by optometrists of the paranasal sinuses, eyebrows, the brain, the oropharyngeal cavity, and certain systemic disease processes including hypertension, diabetes, and collagen vascular diseases.

Patron - Mims

SB877 Department of Professional and Occupational Regulation; Board for Contractors; court-ordered restitution in cases of unlicensed activity. Clarifies the authority of courts to order restitution in cases where a person is convicted of performing contracting without the required contractor's license, class of license, or certificate.

Patron - Wampler

SB1036 Prescription drugs; pedigree of normal distribution chain required. Requires any person engaged in the wholesale distribution of a controlled substance to provide a paper or electronic pedigree identifying each sale, trade, or transfer of a controlled substance when it leaves the normal distribution channel and is sold, traded, or transferred to any other person. Such pedigree shall include all necessary identifying information concerning each sale in the chain of distribution of the product from the manufacturer through acquisition and sale by any wholesale distributor or repackager until final

sale to a pharmacy or other person dispensing or administering the drug. The bill also includes the following restrictions on transactions of controlled substances: (i) in any calendar month a wholesale distributor must sell, distribute, or transfer at least 95 percent of its total amount of controlled substances to a pharmacy or other person dispensing or administering the controlled substance; (ii) prior to selling a controlled substance to any person, a manufacturer or wholesale distributor must verify that the person is legally authorized to receive such substances; and (iii) a wholesale distributor may not purchase a controlled substance from a pharmacy unless it was originally purchased by the pharmacy from the wholesale distributor. Under no circumstances may a wholesale distributor receive a greater quantity of a controlled substance from a pharmacy than was originally sold by the distributor to the pharmacy or pay a pharmacy more for any controlled substance than the pharmacy originally paid the distributor.

Patron - Ruff

SB1178 Counterfeiting of prescription drugs; increased penalty. Increases the penalty for knowingly and willfully counterfeiting a prescription drug, including manufacturing, selling, distributing, or dispensing or facilitating any of those activities regarding such drug from a Class 2 misdemeanor to a Class 5 felony. The bill defines "counterfeit drug" for the purposes of the Drug Control Act.

Patron - Stolle

SB1185 Assisted living facilities; administrators to be licensed. Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. The licensing provisions shall not take effect until July 1, 2007. The Board of Long-Term Care Administrators shall submit the proposed criteria for licensing assisted living administrators to the chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on or before January 1, 2006. This bill is identical to HB 2896 and has been incorporated into SB 1183.

Patron - Puller

SB1330 Court reporters. Creates the Virginia Board of Court Reporting to prescribe qualifications for court reporters and to issue licenses in order to establish and maintain a standard of competency for the protection of the public. The bill includes a provision requiring the Board to enact emergency regulations.

Patron - Quayle

SJ322 Survey of nonemployed dental hygienists. Requests the Virginia Dental Association to update the survey of nonemployed dental hygienists in order to determine whether these persons are planning to reenter the profession, thereby providing a corps of skilled dental hygienists and easing the demand for these professionals in the Commonwealth. The Virginia Dental Association is requested to submit an executive summary and report of its progress in meeting the request of this resolution to the 2006 Regular Session of the General Assembly. This resolution was considered by the Joint Subcommittee Studying Access to and Costs of Oral Health Care.

Patron - Marsh

Property and Conveyances

Passed

HB1522 Virginia Self-Service Storage Act; liens. Increases the lien that an owner of a storage facility has on property stored within each leased space for rent, labor, or other charges from \$250 to \$500 if the leased space is climate-controlled.

Patron - Pollard

HB1648 Division fences; requirements for construction. Modifies Virginia's fence laws governing the construction of division fences by permitting all adjoining landowners to choose to let their land lie open and thereby avoid having to contribute to the fence construction cost. Under current law, owners of subdivided, commercial, or industrial property do not have the option of choosing to let their land lie open.

Patron - Orrock

HB1711 Virginia Residential Landlord and Tenant Act; insurance. Clarifies that where a landlord obtains for tenant either damage insurance or renter's insurance, the landlord shall name the tenant as a "co-insured," so that the tenant will have privity of contract with the insurance company. Currently, the landlord's authority to obtain such insurance is limited to the purchase of a rider on the landlord's property and casualty insurance contract.

Patron - Albo

HB2120 Unrecorded escheat grants; original lost or destroyed; certified copy of grant. Requires the clerk to accept for recordation a copy of a grant from the Commonwealth that is certified as a true copy by the Librarian of Virginia.

Patron - Ware, O.

HB2162 Virginia Residential Landlord and Tenant Act; holdover tenancies with landlord's consent. Provides that in the event of termination of a rental agreement and the tenant remains in possession with the agreement of the landlord either as a hold-over tenant or a month-to-month tenant and no new rental agreement is entered into, the terms of the terminated agreement shall remain in effect and govern the hold-over or month-to-month tenancy, except that the amount of rent shall be either as provided in the rental agreement or as set by the landlord in a separate written notice to the tenant to take effect on the next rent due date coming 30 days after notice to the tenant.

Patron - Reese

HB2164 Virginia Residential Landlord and Tenant Act; fire or casualty damage; termination of rental agreement. Provides for the termination of the rental agreement by either the landlord or the tenant in cases where the dwelling unit is damaged by fire or casualty, or required repairs can only be accomplished if the tenant vacates the dwelling unit. The bill provides for required notice of an intent to terminate the rental agreement and specifies the date of termination. The bill also requires, upon termination, that the landlord return all security and prepaid rent, plus accrued interest, recoverable by law unless the landlord reasonably believes that the tenant, tenant's guests, or those occupying the dwelling unit with the tenant's permission were the cause of the damage or casualty, in which case the landlord must account to the ten-

ant for the security and prepaid rent, plus accrued interest, based upon the damage or casualty.

Patron - Reese

HB2165 Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement. Provides that if the rental agreement requires the payment of reasonable attorneys' fees in the event of a breach of the agreement or noncompliance by the tenant, the landlord shall be awarded reasonable attorneys' fees in any action based upon the tenancy in which the landlord prevails, including but not limited to actions for damages to the dwelling unit or premises, or additional rent, regardless of any previous action to obtain possession or rent unless the tenant proves by a preponderance of the evidence that his failure to pay rent or vacate was reasonable. Currently, where the rental agreement provides for the payment of attorneys' fees, they can be awarded to the landlord only where the tenant fails to prove by a preponderance of the evidence that the failure to pay rent or vacate the premises was due to (i) the breach of the lease by the landlord or (ii) unlawful actions on the part of the landlord.

Patron - Reese

HB2446 Condominium and Property Owners' Associations Acts; charges for disclosure packets. Provides that no unit owners' association or property owners' association shall require reimbursement of any costs or charge any other fee in the preparation or issuance of disclosure packets or making such information available by electronic means except as expressly provided in law. The bill contains technical amendments.

Patron - Suit

HB2447 Virginia Residential Landlord and Tenant Act; drug activities by tenants; forfeiture. Clarifies that any illegal drug activity involving a controlled substance, as used or defined by the Drug Control Act (§ 54-3400 et seq.), by the tenant, his authorized occupants, guests or invitees, shall constitute an immediate irremediable violation for which the landlord may proceed to terminate the tenancy without the necessity of waiting for a conviction of any criminal offense that may arise out of the same actions. The bill provides that, to obtain an order of possession from a court of competent jurisdiction terminating the tenancy for illegal drug activity or for any other action that involves or constitutes a criminal or willful act, the landlord shall prove any such violations by a preponderance of the evidence. The bill also provides that the landlord's property is not forfeited in cases where the conduct giving rise to forfeiture was committed by a tenant of a residential or commercial property owned by the landlord, and the landlord did not know or have reason to know of the tenant's conduct. However, where the illegal drug activity is engaged in by a tenant's authorized occupants, or guests or invitees, the tenant shall be presumed to have knowledge of such illegal drug activity unless the presumption is rebutted by a preponderance of the evidence.

Patron - Suit

HB2448 Landlord and tenant law; access after entry of certain court orders. Provides that a tenant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant to do so, provided: installation of the new lock or security devices does no permanent damage to any part of the dwelling unit and a duplicate copy of all keys and

instructions of how to operate all devices are given to the landlord. The bill further provides that upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas. A landlord who has received a copy of a court order in accordance with subsection A is prohibited from providing copies of any keys to the dwelling unit to any person excluded from the premises by such order. The bill provides that it shall not apply when the court order excluding a person was issued *ex parte*. The bill amends the general law governing landlords and tenants as well as the Virginia Residential Landlord and Tenant Act. The goal of the bill is to protect victims of domestic abuse. This bill is identical to SB 858.

Patron - Suit

HB2449 Termination of tenancy; manufactured home park. Changes the required notice of termination of tenancy in a manufactured home park for certain rental agreements from 120 days to 180 days.

Patron - Suit

HB2642 State Treasurer; unclaimed property; recovery of costs. Authorizes the State Treasurer, where a payment for a claim for property held by the Treasurer is allowed, to deduct from that payment the costs for notices, sales, and other related incurred expenses.

Patron - Hurt

HB2803 Status of property loaned to or deposited with museum prior to July 1, 2002. Provides that, except as otherwise provided in a written agreement between a lender and a museum, property loaned to or deposited with a museum prior to July 1, 2002, may be discarded or transferred to another museum located in Virginia provided that (i) the notice provisions of §§ 55-210.35 and 55-210.36 have been complied with and (ii) such property is held by the museum receiving the transfer for at least three years before it sells or disposes of such property.

Patron - Athey

HB2820 Virginia Real Estate Cooperative Act; reserves for capital components. Requires the board in a real estate cooperative to conduct a reserve study and make provision for a reserve account for capital components. The bill requires that disclosure of the reserve fund be made in the public offering and statement as well as the resale certificate. The bill defines capital components. Requirements for reserves are currently only found in the Condominium and Property Owners' Associations Acts. The bill also contains technical amendments.

Patron - Alexander

SB858 Landlord and tenant law; access after entry of certain court orders. Provides that a tenant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant to do so, provided: installation of the new lock or security devices does no permanent damage to any part of the dwelling unit and a duplicate copy of all keys and instructions of how to operate all devices are given to the landlord. The bill further provides that upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas. A land-

lord who has received a copy of a court order in accordance with subsection A is prohibited from providing copies of any keys to the dwelling unit to any person excluded from the premises by such order. The bill provides that it shall not apply when the court order excluding a person was issued *ex parte*. The bill amends the general law governing landlords and tenants as well as the Virginia Residential Landlord and Tenant Act. The goal of the bill is to protect victims of domestic abuse. This bill is identical to HB 2448.

Patron - Howell

SB891 Uniform Trust Code. Sets out the Uniform Trust Code, which was finalized by the National Conference of Commissioners on Uniform State Laws in 2000 and is the first national codification of the law of trusts. Much of the Code is a codification of the common law of trusts and consists of default rules that govern where the trust instrument is silent. Special rules on revocable trusts and features encourage non-judicial resolution of administrative matters. Existing Virginia statutes are modified to accommodate the Trust Code, and some uniform provisions are modified to retain current Virginia statutory treatment. The bill is effective July 1, 2006.

Patron - Mims

SB906 Property Owners' Association Act; application to development established under the Subdivided Land Sales Act. Clarifies that developments established prior to the enactment of the Subdivided Land Sales Act may specifically provide for the applicability of the provisions of the Property Owners' Association Act.

Patron - Norment

SB968 Virginia Residential Landlord and Tenant Act; early termination of rental agreement by military personnel. Prohibits a landlord from charging any liquidated damages for early termination of a rental agreement if the tenant is a member of the armed forces of the United States or the National Guard. This bill makes technical corrections and has an emergency clause.

Patron - O'Brien

SB992 Real Property Electronic Recording Act. Establishes the Real Property Recording Act, which authorizes circuit court clerks to accept and record land records electronically. All provisions associated with the Act must be reenacted by the General Assembly except for a requirement that the Virginia Information Technology Agency develop standards for electronic recording of land records. A new article in Title 17 restores authority, which had expired July 1, 2004, for court clerks to electronically file other court documents, including instruments and judgments.

Patron - Devolites Davis

SB1005 Mortgage satisfaction. Imports into the Virginia Code provisions of the Uniform Residential Mortgage Satisfaction Act relating to definitions, notifications, rescinding erroneously recorded certificates of satisfaction, requirements on secured creditors, and the form and effect of satisfaction. Current Code provisions relating to payoff statements, mortgage satisfaction via settlement agents and court proceedings, and penalties for errors or omissions in satisfaction procedures are retained. The bill will not become effective unless reenacted by the General Assembly, except for one section which is scheduled to be become effective July 1, 2005, which requires the Virginia Information Technology Agency to develop standards to implement electronic recording of real property documents.

Patron - Devolites Davis

PSB1161 Virginia Residential Property Disclosure Act; required disclosures for property adjacent to a military air station. Requires the owner of residential real property in a locality in which a military air station is located to disclose to a purchaser that the property is located in a noise zone or an accident potential zone, or both. Under the bill, the purchaser's remedies for nondisclosure or inaccurate disclosure include termination of the contract of sale or actual damages.

Patron - Stolle

PSB1162 Virginia Residential Landlord and Tenant Act; required disclosures for properties located adjacent to a military air station. Requires the landlord of property in a locality in which a military air station is located to provide prospective tenants a written disclosure that the property is located in a noise zone or accident potential zone as designated by the locality's official zoning map. Under the bill, termination of the lease agreement is the exclusive remedy for the failure to comply with the disclosure provisions.

Patron - Stolle

PSB1200 Virginia Condominium Act and the Virginia Property Owners' Association Act; meetings. Provides that notice of the time, date, and place shall be sent to any unit owner requesting notice (i) by first-class mail or e-mail in the case of meetings of the executive organ or (ii) by e-mail in the case of meetings of any subcommittee or other committee of the executive organ, or of a subcommittee or other committee of the unit owners' association. The bill also authorizes an executive organ or board of directors to require notice to be provided when a meeting is being recorded.

Patron - Whipple

Failed

FHB2180 Solar energy devices; covenants prohibited. Prohibits imposition of covenants that unreasonably limit the installation of solar energy devices on single-family residences. Properties designated as historic by state, local, or federal government are exempted from the prohibition.

Patron - Tata

FHB2263 Condominium and Property Owners' Association Act; increase in regular assessments; notice. Requires a condominium or property owners' association to give notice to the owners in the association of an increase in a regular assessment and provides a mechanism for the owners to reduce or rescind the increase. Currently, notice and the opportunity to reduce or rescind is required only for special assessments.

Patron - Bell

FHB2370 Deed of trust; utility easement. Provides that, with regard to single-family residential property, the signing of a deed of easement by the grantor to a local governing body for purposes of public utilities shall not be deemed a breach.

Patron - Bryant

FHB2458 Condominium and Property Owners' Associations Acts; access to association records. Provides that members of a condominium or property owners' association have the right to inspect records of official salary or rate of pay of association employees. Currently, only aggregate salary information is open to inspection.

Patron - Ware, R.L.

FHB2604 Limitations on possibilities of reverter and rights of re-entry. Provides that a possibility of reverter or a right of re-entry is extinguished if the specified contingency does not occur within 30 years after such possibility or right was created. Any person owning such possibility or right may record an initial or renewal notice of intention to preserve such interest for a subsequent 30-year period.

Patron - Landes

FHB2682 Property Owners' Association Act; erection of radio antennas. Provides that no declaration or association's rules and regulations or architectural guidelines shall restrict or prohibit the erection by a lot owner on his lot of a radio antenna where the lot owner is a volunteer amateur radio operator participating in the Citizens Corps coordinated by the federal Department of Homeland Security. The bill provides, however, that an association may restrict the erection of such antenna (i) in the common areas or (ii) in accordance with federal or state law, and may establish reasonable restrictions as to the size, place, and manner of placement of the antenna. The bill also requires the association disclosure packet to contain a statement of any restrictions on the size, place, and manner of placement of such antenna. The bill contains technical amendments.

Patron - Lingamfelter

Public Service Companies

Passed

PHB1590 Submetering of water and sewer equipment in rented buildings. Clarifies that submetering equipment for water and sewer service may be used in commercial and residential buildings if clearly stated in the rental agreement or lease for the leased premises or dwelling unit. Water and sewer submetering equipment measures the actual water or sewer usage in a dwelling unit or nonresidential unit when the equipment is not owned by the utility that provides service to the building. With respect to water and sewer usage, landlords are currently authorized to use ratio billing systems, which do not measure actual usage. Water and sewer submetering equipment will not be subject to regulation by the State Corporation Commission.

Patron - Reese

PHB1945 Public-Private Education Facilities and Infrastructure Act of 2002; definition of qualifying project. Expands the definition of "qualifying project" to include any improvements necessary or desirable to any unimproved state or locally owned real estate.

Patron - Saxman

PHB2053 Underground utility damage prevention; abandoned lines. Requires an operator to respond to the excavator-operator information exchange system when the operator has knowledge that its abandoned utility lines may be present within the area of a proposed excavation. Such information shall be for informational purposes only, and shall not make the operator liable to any person, or subject to civil penalties, if the information is incorrect.

Patron - Nixon

PHB2666 Public-Private Transportation Act. Makes several revisions to the Public Private Transportation Act (PPTA). The bill authorizes the establishment of an interim agreement to provide for partial planning and develop-

ment activities while other aspects of a qualifying transportation project are being negotiated and analyzed. The bill also (i) authorizes a private entity to request approval of multiple responsible public entities (RPEs) in proposed projects involving multimodal transportation facilities, (ii) authorizes RPEs to enter into comprehensive agreements with multiple private entities, (iii) requires the RPE to protect confidential information submitted by a private entity, and (iv) adds factors that an RPE may consider when selecting proposals. The bill requires the Secretary of Transportation to revise existing state guidelines pertaining to the PPTA by October 1, 2005, and includes a provision allowing application of the revisions made by the legislation to certain existing qualifying transportation facilities. This bill is identical to SB 1108 and incorporates HB 2442 and HB 2443.

Patron - McDonnell

SB783 Electrical transmission lines; analysis of implications of condition requiring location underground. Requires the State Corporation Commission to analyze the implications of a requirement that, when considering a request for approval of the construction of an electrical transmission line in a city or county with a population of over 225,000, the Commission consider imposing a condition that the line be located underground, if requested by the governing board of the locality.

Patron - Mims

SB798 Public utilities; landfill gas. Increases, from one to three, the number of commercial or industrial customers to which a company may sell or deliver landfill gas, or electricity generated from landfill gas, without being subject to regulation as a public utility.

Patron - Watkins

SB959 Telecommunication and cable television service by localities; release of information. Exempts from the mandatory disclosure requirements of the Freedom of Information Act any public record of a local government that contains confidential proprietary information or trade secrets pertaining to its provision of telecommunication services and cable television service. Public bodies may discuss such records in closed meetings.

Patron - Wampler

SB987 Gas pipeline safety. Authorizes the State Corporation Commission to act for the U.S. Secretary of Transportation to conduct safety inspections pursuant to federal pipeline safety laws with respect to municipal gas systems. Such authority shall be exercised in a manner that is not inconsistent with federal law. An exit interview will be conducted after each inspection. The Commission is not authorized to impose civil penalties or fines on any locality, or to regulate the rates, charges, services, facilities, or service territory of any locality providing gas service, except as otherwise provided. As the Commission's pipeline safety program currently covers investor-owned and master-metered systems and intrastate hazardous liquid pipelines, this measure gives the Commission safety jurisdiction over all intrastate gas and hazardous liquid pipeline facilities. The measure also relocates provisions currently located in other Code sections, that address violations of pipeline safety codes and pipelines that transport landfill gas, into one Code section.

Patron - Watkins

SB1107 Public Private Education Facilities and Infrastructure Act of 2002. Makes several revisions to the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA). The bill authorizes the establishment of an interim agreement to provide for partial planning and develop-

ment activities while other aspects of a qualifying project are being negotiated and analyzed. The bill also (i) requires the adoption of formal timelines for the review of proposals and outlining the process for review, (ii) provides for accelerated review for priority projects, and (iii) adds factors that a responsible public entity may consider when selecting proposals. In addition, the bill provides for the Chairs of the Senate and House General Laws Committees to convene a work group to revise the current model guidelines by September 30, 2005.

Patron - Stosch

SB1108 Public-Private Transportation Act. Makes several revisions to the Public Private Transportation Act (PPTA). The bill authorizes the establishment of an interim agreement to provide for partial planning and development activities while other aspects of a qualifying transportation project are being negotiated and analyzed. The bill also (i) authorizes a private entity to request approval of multiple responsible public entities (RPEs) in proposed projects involving multimodal transportation facilities, (ii) authorizes RPEs to enter into comprehensive agreements with multiple private entities, (iii) requires the RPE to protect confidential information submitted by a private entity, and (iv) adds factors that an RPE may consider when selecting proposals. The bill requires the Secretary of Transportation to revise existing state guidelines pertaining to the PPTA by October 1, 2005, and includes a provision allowing application of the revisions made by the legislation to certain existing qualifying transportation facilities. The bill is identical to HB 2666.

Patron - Stosch

SB1159 Wireless E-911 Services Board. Clarifies that the Wireless E-911 Services Board's obligation to make payments to PSAP operators and CMRS providers is subject to the extent of appropriated funds. The bill also removes the exemptions to E-911 deployment, excludes governments from the surcharge collection, and establishes July 1 as the deadline for late funding requests. In addition, the bill clarifies the appeals process and expands the Board's responsibilities to include development of a single, statewide electronic addressing database.

Patron - Stolle

Failed

HB1804 Voice-over-Internet protocol service. Eliminates any jurisdiction of the State Corporation Commission to regulate voice-over-Internet protocol service. Voice-over-Internet protocol service is excluded from the scope of the definitions of telephone service, telecommunications service, local exchange telephone service, and interexchange telephone service. Voice-over-Internet protocol service includes any Internet protocol enabled service utilizing a broadband connection.

Patron - Marshall, R.G.

HB2442 Transportation District Act of 1964; powers of district commissions. Allows a district commission established under the Transportation District Act of 1964 to act as a "responsible public entity" as provided in the Public-Private Transportation Act of 1995; exercise the power of eminent domain; issue revenue bonds for the purpose of constructing, maintaining, and/or operating transportation projects; establish and collect tolls; lease all or any portion of any transportation facility under its control for construction and/or operation of lodging facilities, vehicle fueling stations, vehicle storage and repair facilities, railroad tracks, restaurants, and other businesses. Such a commission is also allowed to acquire, construct, operate, maintain, expand, or extend a transportation

facility or project in a local jurisdiction that is not embraced within the district if the facility or project in the affected locality is a continuation of the commission's facility or project extended from a locality embraced within the district. The commission may additionally lease, sell, or convey a transportation facility or project within its control to another governmental entity. The commission may also promote the use of any facility or project within its control through advertising or marketing campaigns and shall establish and meet goals for participation by disadvantaged businesses. This bill has been incorporated into HB 2666.

Patron - Saxman

HB2443 Public-Private Transportation Act (PPTA). Explicitly allows local governments to act as "responsible public entities" under the PPTA and to accept unsolicited proposals involving the construction, reconstruction, and/or maintenance of locally controlled highways. This bill has been incorporated into HB 2666.

Patron - Saxman

HB2713 Telecommunications relay service. Allows money in the state Telecommunications Relay Service fund to be used to purchase specific end-user equipment, limited to text telephones, captioned telephones, hearing carryover telephones, and voice carryover telephones, for use by hearing-impaired persons using the relay service. The Department for the Deaf and Hard-of-Hearing, with the assistance of the State Corporation Commission, administers the telecommunications relay service for text telephones.

Patron - Morgan

HB2812 PPTA. Establishes a schedule of deadlines for consideration of solicited or unsolicited proposals made to the Department of Transportation under the Public-Private Transportation Act (PPTA).

Patron - McDonnell

HB2913 Virginia Hydrogen Energy Plan. Directs the Secretary of Technology to develop the Virginia Hydrogen Energy Plan, which is to identify clear and specific actions, to be implemented over a period not to exceed five years, by state and local governmental agencies, individuals, and business entities, that are necessary or appropriate to make the Commonwealth a leading state in the production and use of hydrogen as an energy resource.

Patron - Welch

SB960 Telecommunications services provided by localities; cost allocations. Removes State Corporation Commission jurisdiction to reconsider, amend or disapprove a locality's manual or methodology for allocating costs in connection with its provision of telecommunications services, if within the preceding 10 years the Commission approved the locality's cost allocation manual or methodology, and the manual or methodology and its application by the locality have not substantively changed. The measure also provides that if a for-profit competitor of a locality providing telecommunications services unsuccessfully asserts in a proceeding that the locality is improperly subsidizing its telecommunications services, then the Commission may require the provider to pay the locality's expenses, including attorney's fees, incurred in defending the assertion.

Patron - Wampler

SB975 Pay-Per-Call Services Act. Prohibits the provider of a pay-per-call service, through which material harmful to juveniles is provided or is accessible, from accepting telephone calls from a telephone number, assessing pay-per-call charges to a telephone number, or initiating calls to a telephone

number, if the individual with that telephone number requests the provider not to accept telephone calls from that telephone number.

Patron - O'Brien

Religious and Charitable Matters; Cemeteries

Passed

HB2491 Solicitation of contributions; exemptions from registration. Provides an exemption from registration with the Department of Agriculture and Consumer Services for nonprofit organizations that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and that solicit contributions only through (i) grant proposals submitted to for-profit corporations, (ii) grant proposals submitted to other nonprofit organizations that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code, or (iii) grant proposals submitted to organizations determined to be private foundations under § 509 (a) of the Internal Revenue Code.

Patron - Petersen

HB2697 Church law substantive changes. Recognizes the existence of incorporated churches, and changes some nomenclature. This bill is identical to SB 1267.

Patron - Scott, J.M.

HB2871 Solicitation of contributions; filing online registrations. Authorizes charitable organizations, professional fund-raising counsel and professional solicitors to file their registration statements online via a website approved by the Commissioner of the Department of Agriculture and Consumer Services. The bill also authorizes the Commissioner to enter into a memorandum of understanding or other similar agreement with the appropriate authority of any other state or federal agency for the purpose of providing charitable organizations, professional fund-raising counsel or professional solicitors with the option of filing their annual registration statements online via a website approved by all states that are parties to the memorandum of understanding.

Patron - Saxman

SB1267 Provisions for incorporating churches. Makes the necessary changes in the Code to provide for the incorporation of previously unincorporated churches. This bill is identical to HB 2697.

Patron - Mims

Failed

HB1881 Cemeteries; restrictions. Provides that no local governing body may deny an application for a subdivision plan based solely on the fact that the property to be subdivided contains or is adjacent to a family graveyard in which future interments of dead family members may be made.

Patron - Hargrove

HB2673 Church and religion nomenclature. Amends and updates nomenclature throughout the code, with minimal substantive change, regarding churches and religion. The bill also defines "minister" and "church" to encompass all religions.

Patron - Scott, J.M.

F HB2709 Virginia's Veterans. Corrects the full name of the property conveyed to the Commonwealth as a perpetual memorial park and war memorial to remember fallen Veterans, who were conscripted or volunteered and ordered into battle by the Virginia General Assembly.

Patron - Nutter

F SB1289 R. E. Lee Camp Confederate Memorial Park. Corrects the full name of the property conveyed to the Commonwealth as a perpetual park and war memorial to fallen veterans who were conscripted or volunteered and ordered into battle by the General Assembly. The bill provides that the statutory authority of the trustees of the Virginia Museum of Fine Arts is not affected nor is the ability of the trustees to designate portions of the property in recognition or honor of individuals who have made outstanding contributions to the Commonwealth, the Virginia Museum of Fine Arts, or the property.

Patron - Hanger

F SB1305 Property held for religious purposes; determination of property rights upon division of church, diocese, or society. Provides that upon division of a church or society, the congregation may vote on whether to belong to a different church, diocese, or society, or be independent of any church, diocese, or society. Currently the vote is limited to which branch of the church or society the congregation will belong. The bill also provides that a division of the church, diocese, or society is conclusively presumed when the lesser of 10 congregations or 10 percent of all congregations in the state vote within any 12-month period to separate from the church, diocese, or society, and allows the congregation to report its determination to the appropriate circuit court. In addition, the bill provides that in certain church, diocese, or society property transfers where the property is held for the benefit of the congregation, evidence of the determination of the congregation shall be sufficient proof for granting the transfer.

Patron - Mims

State Corporation Commission

Passed

P HB2367 Waiver of filing fees; erroneous financing statements. Authorizes the State Corporation Commission to waive the fee for filing a termination statement or correction statement with respect to a financing statement that falsely identified a person as a debtor.

Patron - Bryant

Taxation

Passed

P HB1508 Motor vehicle sales and use tax; exemption for limited liability companies. Adds limited liability companies to the existing motor vehicle sales and use tax exemption for certain transfers from individuals or partnerships to corporations or from corporations to individuals or partnerships. Based on advice from the Attorney General's office, the DMV would not apply the exemption to limited liability companies without this change.

Patron - Landes

P HB1638 Sales and use tax; food for human consumption. Reduces the rate of the state sales and use tax on food for human consumption to 1.5 percent beginning July 1, 2005. Under current law the rate of the state sales and use tax on food is 3 percent, and is scheduled gradually to be reduced to 1.5 percent by July 1, 2007. This bill is identical to SB 708 and incorporates HB 1634, HB 1635, HB 1875, HB 2017, HB 2339, and HB 2421.

Patron - Callahan

P HB1641 Motor fuels tax; refund. Provides a 55 percent refund of the motor fuels tax paid by any person purchasing fuel for consumption in a vehicle designed or permanently adapted solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle. This bill is identical to SB 794.

Patron - Orrock

P HB1655 Income tax credit for purchase of conservation tillage equipment. Increases the cap on the individual and corporate income tax credits for purchase of conservation tillage equipment from \$2,500 to \$4,000, and clarifies the definition of "conservation tillage equipment."

Patron - Lingamfelter

P HB1667 Unpaid taxes, levies, or other charges; distraint for the same. Makes a technical correction to clarify which highway vehicles in general may not be disgruntled for unpaid taxes, levies, or other charges. Sections 58.1-3941 and 58.1-3942 currently cross-reference a repealed section of the Code of Virginia that defined a "highway vehicle." Section 58.1-2101 defined a highway vehicle, but the section was repealed by the 2000 Session of the General Assembly, effective January 1, 2001. The bill corrects §§ 58.1-3941 and 58.1-3942 by including in these sections the definition of a highway vehicle as it appeared in repealed § 58.1-2101.

Patron - Landes

P HB1745 Motor vehicle daily rental fee. Provides that the daily rental vehicle fee will be implemented, enforced, and collected like rental taxes.

Patron - Sherwood

P HB1833 Income tax; effective date for personal exemption increase. Changes the effective date from January 1, 2006, to January 1, 2005, for the increase in the personal exemption from \$800 to \$900.

Patron - Parrish

P HB1857 Transient occupancy tax; Arlington County. Extends the time during which Arlington County may collect an additional transient occupancy tax of one-fourth of one percent to January 1, 2009. Current law would end the collection of the additional tax on January 1, 2006.

Patron - Eisenberg

P HB1885 Tobacco products tax. Makes several changes to the tobacco products tax including requiring licensure of distributors who (i) sell tobacco products in Virginia; (ii) bring or cause to bring tobacco products into Virginia; (iii) manufacture or store tobacco products in Virginia; or (iv) possess in Virginia for retail sale untaxed tobacco products and changing the basis upon which the tax is computed. The changes are effective January 1, 2006.

Patron - Ware, R.L.

HB1965 Transient occupancy tax; Craig County and Prince George County. Adds Craig County and Prince George County to the list of counties that may levy the transient occupancy tax at a rate of five percent, with the revenues collected from that portion of the tax over two percent designated and spent solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality.

Patron - Ingram

HB2003 Income tax; checkoff for Spay and Neuter Fund. Creates a special fund in the state treasury known as the Spay and Neuter Fund into which designated income tax refund contributions shall be deposited. Such moneys are to be administered by the Virginia Federation of Humane Societies for spay and neuter surgeries throughout Virginia. This is not a new checkoff.

Patron - Dudley

HB2007 Transient occupancy tax; Carroll County. Adds Carroll County to the list of counties that may levy the transient occupancy tax at a rate of five percent, with the revenues collected from that portion of the tax over two percent designated and spent solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality. This bill incorporates HB 1964.

Patron - Armstrong

HB2100 Sales and use tax exemption; nonprofit entities. Clarifies that nonprofit entities that were exempt from paying sales and use tax on the purchase of services as of June 30, 2003, shall continue to be exempt from such taxes if they comport with certain procedures and meet certain criteria.

Patron - Hugo

HB2177 Recordation tax; exemption for limited liability companies. Restricts the real estate recordation tax exemption for limited liability companies (LLCs) to those transfers to or from an LLC that is not (i) a precursor to a transfer of control of the assets of the LLC to avoid recordation taxes, nor (ii) subsequent to a transfer of control of the assets of the company to avoid recordation taxes. This bill incorporates HB 1845.

Patron - Louderback

HB2303 Income tax; voluntary refund contributions entities process changes. Explains the procedure for how voluntary refund contributions entities will be added to and removed from the income tax return beginning in 2005. Also adds Brown v. Board of Education Scholarship Program Fund, Dr. Martin Luther King, Jr. Commission Fund, and Virginia Caregivers Grant Fund to the list of entities entitled to voluntary contributions that appear on the individual income tax return form. This bill incorporates HB 2506.

Patron - Purkey

HB2325 Tax administration; extension for filing tax returns. Allows taxpayers to request an extension of six months after the original due date for filing income tax returns. The penalty for failing to pay at least 90 percent of the tax by the extension date would be increased from one-half percent to two percent.

Patron - Hull

HB2372 Local business license tax; population basis and fee increase. Provides that the population estimates

of the Weldon Cooper Center for Public Service of the University of Virginia shall be used for determining population for purposes of imposing the business license fee in localities.

Patron - Ware, R.L.

HB2411 Conformity of the Commonwealth's system of taxation with the Internal Revenue Code; emergency. Provides that any reference to federal income tax laws in Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 refers to the federal law as it exists on January 7, 2005. Current law specifies that such references refer to federal law as it existed on December 31, 2003. This bill contains an emergency clause and is identical to SB 856.

Patron - Bryant

HB2444 Income tax; rent reductions tax credit. Extends the sunset date from December 31, 2005, to December 31, 2010, and limits the credit between January 1, 2006, and January 1, 2011, to those individuals or corporations that reduced rents and validly claimed a credit for the dwelling unit for all or part of December, 1999, and the tenant occupied the dwelling unit on December 31, 2005.

Patron - Suit

HB2477 Personal property tax; notice for machinery and tools valuation change. Requires that proposed changes in the valuation method used for machinery and tools be published by a notice appearing in a newspaper of general circulation at least 30 days prior to such change and citizens be allowed to submit comments to the local commissioner of the revenue regarding the proposal during the 30 days.

Patron - Scott, E.T.

HB2599 Sales and use tax exemption; public transportation. Restores a sales and use tax exemption for tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services. The bill declares that an emergency exists and is effective beginning September 1, 2004. This bill is identical to SB 1195.

Patron - Ware, O.

HB2625 Cigarette and other tobacco products taxes; discount allowed. Changes the discount allowed on the purchase of cigarette tax stamps from two and one-half cents per carton to two percent of the total charged by the Department of Taxation for the purchase of the tax stamps. The bill also provides a discount to dealers of other tobacco products equal to two percent of the total tax due from the dealer.

Patron - Byron

HB2635 Deferred real estate tax; interest rate. Allows a local governing body to establish the interest rate applicable to deferred real estate tax payments, not to exceed the rate established by the Internal Revenue Code. Currently, interest for the deferred payment is set as the rate established by the Internal Revenue Code. This bill is identical to SB 1087.

Patron - Ebbin

HB2679 Local license and local business taxes; appeals. Makes numerous changes to the appeals process regarding local license and local business taxes. This bill incorporates HB 2373 and HB 2374.

Patron - Lingamfelter

HB2686 Tangible personal property tax; boats. Designates boats weighing less than five tons and used for

business purposes as a separate class of tangible personal property for taxation purposes. This bill is identical to SB 1273.

Patron - Pollard

HB2762 Sales and use tax; automobile refinishing. Provides that paint and other refinish materials separately stated that are applied to or affixed to a motor vehicle during its repair shall be taxed to the person for whom the repair is made.

Patron - Lingamfelter

HB2774 Sales and use tax; manufactured signs. Specifies that manufactured signs are tangible personal property for purposes of sales and use tax.

Patron - Hargrove

HB2788 Land preservation tax credit. Allows the Tax Commissioner to determine if a taxpayer may transfer certain unused credits if he acted in good faith based on erroneous information.

Patron - Johnson

HB2827 Sales and use tax; truck trailers and cargo containers. Prohibits the Department of Taxation from taking any action to collect any sales and use tax from the sale or use prior to February 1, 2005, of certain truck trailers, cargo containers that are designed to be affixed to such truck trailers, and on-site storage containers that are similar to cargo containers but not necessarily designed to be affixed to truck trailers.

Patron - Orrock

HB2852 Sales and use tax exemptions reports. Requires the Tax Commissioner to investigate and analyze the sales and use tax exemptions on a periodic basis and report his findings to the Chairmen of the House and Senate Finance Committees beginning in December 2006.

Patron - Hull

HB2880 Communications tax reform. Directs the APA to review and collect information in 2005 regarding certain local communications taxes and report to the Chairmen of the House and Senate Finance Committees and the Department of Taxation no later than December 1, 2005.

Patron - Nixon

HB2899 State cigarette tax; exclusive distributors. Exempts exclusive distributors and manufacturers from affixing tax revenue stamps to cigarettes if they are being shipped, sold, or delivered to wholesale dealer stamping agents in the Commonwealth.

Patron - Janis

SB708 Sales and use taxes, food purchased for human consumption. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and 1 percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. The bill accelerates the tax relief. This bill is identical to HB 1638 and incorporates SB 751 and SB 1193.

Patron - Chichester

SB793 Transient occupancy tax; overnight accommodations. Clarifies that the transient occupancy tax applies to charges for any room or space suitable or intended for dwelling, lodging, or sleeping purposes.

Patron - Watkins

SB794 Fuels taxes; refunds. Provides a refund equal to 55 percent of the state fuels tax paid for vehicles designed or permanently adapted exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer. The bill will be effective January 1, 2006. This bill is identical to HB 1641.

Patron - Watkins

SB796 Assessment of certain property by State Corporation Commission; statute of limitations. Clarifies that any taxpayer, the Commonwealth, or any county, city or town may only apply to the SCC for a review and correction of an assessment of value or tax within three months after receiving a certified copy of such assessment or tax.

Patron - Watkins

SB801 Local consumer utility tax; Town of Dumfries. Allows the Town of Dumfries to impose by ordinance the local consumer utility tax on or after July 1, 2005. If the tax is imposed, Prince William County will no longer impose the tax in the town limits of Dumfries.

Patron - Colgan

SB803 Voluntary contribution to the Dr. Martin Luther King, Jr. and the Virginia Caregivers Grant Funds. Allows individuals entitled to an income tax refund to contribute a portion, at least \$1, or all of the refund to the Dr. Martin Luther King, Jr. Commission Fund for taxable years beginning on and after January 1, 2005. The Fund provides support for the work of the Dr. Martin Luther King, Jr. Living History and Public Center and generates nonstate funds to maintain the center. The bill also allows individuals to contribute a portion, at least \$1, of their income tax refund to the Virginia Caregivers Grant Fund.

Patron - Marsh

SB836 Motor vehicle sales and use taxes; exemptions. Provides that a gift of a motor vehicle to a spouse, son, or daughter shall be exempt from motor vehicle sale and use taxes, unless the person, other than a spouse, receiving the motor vehicle assumes an unpaid obligation relating to the vehicle.

Patron - Quayle

SB844 Restrictions and exemptions on deferral of taxes for certain elderly and handicapped persons; disability benefits. Allows a locality to exclude up to \$5,000 of permanent or temporary disability benefits of an owner when determining eligibility for its tax deferral programs. This bill is identical to SB 851.

Patron - Deeds

SB851 Restrictions and exemptions on deferral of taxes for certain elderly and handicapped persons; disability benefits. Allows a locality to exclude up to \$5,000 of permanent or temporary disability benefits of an owner when determining eligibility for its tax deferral programs. This bill is identical to SB 844.

Patron - Cuccinelli

SB856 Conformity of the Commonwealth's system of taxation with the Internal Revenue Code; emergency. Provides that any reference to federal income tax laws in Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 refers to the federal law as it exists on January 7, 2005. Current law specifies that such references refer to federal law as it existed on December 31, 2003. This bill contains an emergency clause and is identical to HB 2411.

Patron - Chichester

SB866 Individual income tax; salary subtraction for federal and state employees. Amends the individual income tax subtraction allowed to federal and state employees by clarifying that it is available only to employees with a total annual salary from all employment of \$15,000 or less.

Patron - Chichester

SB867 Powers and duties of the Tax Commissioner; annual report on corporate tax relief. Requires the Tax Commissioner to issue an annual report to the members of the House Appropriations Committee, the House Finance Committee, and the Senate Finance Committee providing a comprehensive view of corporate tax relief in the Commonwealth during the preceding tax year. A preliminary report shall be submitted by December 1 of each year and a final report submitted by April 15 of the following year.

Patron - Chichester

SB874 City of Chesapeake; annual debt limitation. Provides that any obligations issued by the City of Chesapeake under a local tax increment financing program shall not be included for purposes of any annual debt limitation set forth in the city's charter. The bill also makes a technical change of deleting a population bracket and replacing it with the City of Virginia Beach.

Patron - Quayle

SB876 Cigarette tax enforcement; penalties. Changes the cigarette tax laws to provide consistency with the non-participating manufacturer reporting requirements and to enhance compliance and administration.

Patron - Hawkins

SB896 Real property tax; common spaces. Amends the definition of an "open or common space" to include common areas that are part of a planned residential development initially recorded before January 1, 1985, that did not include automatic membership in a membership corporation or association in its declaration. This change will prohibit a locality from assessing real estate taxes against these membership corporations or associations for the common area. Instead, the value of the common area will be taxed through the increased value of the residential property that has an interest in the common area. This is the approach that currently applies to residential and commercial property with automatic membership in a membership corporation or association. Today, residential developments with common areas must include mandatory or automatic membership in the corporation or association charged with its upkeep; however, older developments did not necessarily have mandatory membership.

Patron - Norment

SB897 Income taxes; charitable contributions for the relief of tsunami victims. Provides that cash contributions for the relief of tsunami victims made in January 2005 may be allowed as a charitable deduction when computing Virginia income taxes for the taxable year 2004.

Patron - Norment

SB1051 Local real estate tax relief programs. Changes authorized local real estate tax relief programs by (i) authorizing counties, cities, and towns to use the locality's median adjusted gross income of its married residents (as published by the Weldon Cooper Center for Public Service of the University of Virginia) as a total income limit for eligibility, and (ii) authorizing counties, cities, and towns to adjust the current net financial worth limit for inflation.

Patron - Wagner

SB1052 Delinquent payment of certain local excise taxes. Allows the governing body of any county, city, or town to impose a penalty for the delinquent remittance of excise taxes on meals, lodging, or admissions collected from consumers, not to exceed 10 percent for the first month the taxes are past due and five percent for each month thereafter, not to exceed 25 percent of the amount of the taxes not remitted. Currently, the penalty for such delinquent remittance is limited to 10 percent.

Patron - Wagner

SB1087 Deferred real estate tax; interest rate. Allows a local governing body to establish the interest rate applicable to deferred real estate tax payments, not to exceed the rate established by the Internal Revenue Code. Currently, interest for the deferred payment is set as the rate established by the Internal Revenue Code. This bill is identical to HB 2635.

Patron - Whipple

SB1105 Sales and use tax exemption for certain nonprofit educational institutions; purchase of services. Provides that any nonprofit educational institution doing business in the Commonwealth which provides a face-to-face educational experience in American government that was exempt from paying sales and use tax for the purchase of services as of June 30, 2003, will continue to be exempt from that payment, so long as the entity follows specified procedures and meets certain criteria set forth in the section.

Patron - Saslaw

SB1139 Land preservation tax credit. Requires the fair market value of qualified donations under the Virginia Land Conservation Incentives Act of 1999 to be substantiated by a qualified appraisal, which must be signed by a qualified appraiser, and a copy of the appraisal must be submitted to the Department of Taxation. A false or fraudulent appraisal may lead to revocation of the appraiser's license or other disciplinary action, and the future appraisals by the same appraiser may be disallowed.

Patron - Hanger

SB1195 Sales and use tax exemption; public transportation. Restores a sales and use tax exemption for tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services. The bill declares that an emergency exists and is effective beginning September 1, 2004. This bill is identical to HB 2599.

Patron - Lambert

SB1219 Retail sales and use taxes; sales to nonresidents and bad debts. Provides that, for sales of tangible personal property to consumers making a gift to a person located in another state, a dealer registered to collect the tax in the recipient's state may elect, with the approval of the tax commissioner, to collect the tax of the recipient's state or that imposed by the Commonwealth. However, if the dealer is not registered to collect tax in the state in which the property is delivered, but is a registered dealer in the Commonwealth, the dealer shall collect the tax at the sales tax rate imposed by the Commonwealth. The bill also provides that an alternative means for determining the sales tax credit allowed for bad debts may be used by dealers meeting certain conditions.

Patron - Stosch

SB1225 Income tax; preparers of fraudulent returns; penalty. Makes it a Class 6 felony for income tax return preparers to willfully and knowingly participate in the preparation of a fraudulent tax return and authorizes the Tax Department to seek an injunction against a tax return preparer for various types of conduct.

Patron - Stosch

SB1273 Tangible personal property tax; separate classification for boats used in business. Establishes as a separate classification of tangible personal property for tax rate purposes boats weighing less than five tons used for business purposes only. This bill is identical to HB 2686.

Patron - Rerras

SB1279 Local taxation of certain machinery and tools. Allows a locality to classify certain heavy machinery used by businesses not otherwise set out in Article 2 (§ 58.1-3507 et seq.) of Chapter 35 of Title 58.1, "Machinery and Tools Tax," as a separate classification of property. The tax rate may not exceed the rate imposed upon the general class of tangible personal property.

Patron - Reynolds

SJ308 Virginia Code Commission; tax preferences outside of Title 58.1. Directs the Virginia Code Commission to identify tax preferences located outside of Title 58.1 in the Code of Virginia, and to report biennially to the General Assembly with recommendations for legislation to cross-reference these preferences in Title 58.1 or to generally make the tax preferences in the Code easier to identify.

Patron - Chichester

Failed

HB1490 Estate tax. Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law, the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. This bill incorporates HB 1506, HB 1874, HB 2008, and HB 2750.

Patron - Tata

HB1504 Business, Professional and Occupational Licensing Tax (BPOL); license fees, rates and requirements. Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2007, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2007, and (iii) reduce the several different rates currently in the Code to a flat rate of \$.20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2006.

Patron - Shuler

HB1506 Estate tax. Exempts from the estate tax (i) all estates where the majority of assets are an interest in a closely held business, including working farms, and (ii) all estates where the gross estate is worth \$10 million or less. This bill has been incorporated into HB 1490.

Patron - Shuler

HB1512 Income tax; tax credit for certain health care practitioners. Provides an income tax credit to health care practitioners who provide free medical services to indigent persons who cannot pay for the services themselves. The amount of the credit is equal to 25 percent of the fee the practitioner would charge for the service, not to exceed \$500 annu-

ally for any practitioner. The credit would be available for taxable years beginning on or after January 1, 2006.

Patron - Cosgrove

HB1515 Transient occupancy tax; Craig County. Adds Craig County to the list of counties that may impose an additional three percent transient occupancy tax (for a total of five percent) with the additional tax revenue to be designated and spent for promoting tourism, travel, or business that generates tourism or travel in the locality.

Patron - Shuler

HB1525 Insurance premiums license tax; disposition of motor vehicle insurance license tax. Requires the revenues generated by the license tax on motor vehicle insurance companies to be credited to the Transportation Trust Fund when deposited in the state treasury. This bill has been incorporated into HB 2099.

Patron - Frederick

HB1529 Income tax; teacher expenses tax credit. Provides an income tax credit of up to \$500 for costs incurred by teachers for materials they use teaching children in grades kindergarten through 12, for taxable years beginning on or after January 1, 2006. This bill incorporates HB 1898.

Patron - Frederick

HB1530 Income tax; commuter parking lot deduction. Provides a deduction for taxable years beginning on and after January 1, 2006, to owners of shopping centers and strip malls who contribute to the locality the right to use certain parking spaces as commuter parking. The amount of the annual deduction will not exceed \$50 per parking space. The governing body of the county, city, or town in which the commuter parking spaces are located must develop a plan based on guidelines established by the Department of Taxation.

Patron - Frederick

HB1533 Income tax; age deduction. Reinstates the \$6,000 and \$12,000 deduction for taxpayers aged 62 through 64, and 65 and older, respectively, for taxable years beginning on and after January 1, 2005. However, individuals with taxable income exceeding \$150,000 and married couples with taxable income exceeding \$250,000 are not eligible for the deduction.

Patron - Frederick

HB1534 Sales and use tax exemption; school supplies, clothing and footwear, and computers. Provides a sales and use tax exemption for certain school supplies, clothing and footwear, and computers purchased during a four-day period each year beginning on the Friday before the first Monday in September. The exempt items are: each article of school supplies with a selling price of \$20 or less, each article of clothing or footwear with a selling price of \$100 or less, and each article of computers or related peripheral equipment with a selling price of \$1,500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill has been incorporated into HB 1878.

Patron - Frederick

HB1535 Sales and use tax exemption; certain flags. Provides a sales and use tax exemption for the purchase of the official flags of the United States, the Commonwealth of Virginia, or of any county, city, or town, or of any flag that supports or commemorates members of the United States Armed Forces who are or were prisoners of war or missing in

action. Under current law, the official flags of the United States, the Commonwealth of Virginia, or of any county, city, or town are exempt when purchased from a government agency.

Patron - Frederick

HB1536 Car tax relief. Removes the cap on the overall amount of car tax relief that was created by Chapter 1 of the Acts of Assembly of 2004 Special Session I and restores the car tax relief program as it was originally enacted. This bill has been incorporated into HB 1654.

Patron - Frederick

HB1551 Sale price of motor vehicles subject to the motor vehicle sales and use tax. Reduces the taxable price of a motor vehicle purchased for business purposes in determining motor vehicle sales and use tax liability, by the value of any motor vehicle taken in trade. The amount of credit for a vehicle taken in trade is the lesser of the allowance given by the seller or the wholesale value of the vehicle as specified in a recognized pricing guide.

Patron - Alexander

HB1552 Sale price of motor vehicles subject to the motor vehicle sales and use tax; reduction for trade-in. Reduces the taxable price of a motor vehicle for purposes of determining motor vehicle sales and use tax liability by the value of any motor vehicle taken in trade. The amount of credit for a vehicle taken in trade is the lesser of the allowance given by the seller or the wholesale value of the vehicle as specified in a recognized pricing guide.

Patron - Alexander

HB1566 Local recordation fee. Allows cities and counties to impose a fee not to exceed \$250 on certain recorded instruments that are subject to the state recordation tax. The fee will be paid by the grantor and will only be allowed in localities having a growth rate in K through 12 school-age population of one-half percent over the previous three years combined growth rate. Also, affordable housing is exempt from the fee. The revenues generated by the fee are to be used by the locality for public school capital projects.

Patron - Cosgrove

HB1571 Corporate income tax; Virginia Entrepreneurial Encouragement Program. Creates the Virginia Entrepreneurial Encouragement Program, which provides tax incentives to start-up businesses during the first three years of their existence. The incentives are the exemption from income tax for the first two years and a reduced income tax rate (one-half of the corporate income tax rate) for the third year. The program applies to businesses created on or after January 1, 2005, but no later than December 31, 2007.

Patron - Purkey

HB1591 Income tax; deduction for long-term care insurance premiums. Clarifies that the current deduction for long-term care insurance premiums paid by a taxpayer for himself or others is allowed to the taxpayer provided no deduction is taken for federal income tax purposes. The benefits will not be treated as taxable income to the beneficiaries of such benefits. The deduction is effective for taxable years beginning on and after January 1, 2005.

Patron - Reese

HB1593 Sales and use tax exemption; school-related items. Provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: school supplies, footwear, and clothing where the selling

price of each item is \$100 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill has been incorporated into HB1878.

Patron - Ware, O.

HB1610 Sales and use tax; allocation of revenue. Increases the sales and use tax revenue dedicated to the transportation trust fund from an amount equivalent to the amount raised by a one-half percent tax to a three-quarters percent tax.

Patron - Cole

HB1634 Sales and use taxes, reduction of rate on food purchased for human consumption. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and one percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. The bill accelerates the tax relief. This bill has been incorporated into HB 1638.

Patron - Bryant

HB1635 Sales and use tax exemption; food for human consumption. Exempts food for human consumption from the state sales and use tax. This bill has been incorporated into HB 1638.

Patron - Welch

HB1636 Motor vehicle rental taxes. Requires that all revenue from the state motor vehicle rental taxes be deposited into the Transportation Trust Fund and used solely for transportation purposes.

Patron - Cole

HB1654 Car tax relief. Removes the cap on the overall amount of car tax relief and gradually increases the amount of car tax relief to 100 percent of the reimbursable amount for qualifying vehicles over a six-year period. This bill incorporates HB 1536 and HB 2257.

Patron - Lingamfelter

HB1684 State recordation tax; additional distribution to localities. Provides that 50 percent of the amount of state recordation taxes collected that are attributable to deeds and other instruments recorded shall be apportioned and distributed annually to or for each such county or city, beginning June 30, 2006. This provision applies to any county or city that has a Purchase of Development Rights program in effect, or has filed a statement of intent with the Virginia Department of Agriculture and Consumer Services that it will create such a program within three years or less from the date of such filing.

Patron - Lewis

HB1717 Individual income tax; personal exemption. Increases the personal exemption amount from \$900 to \$1,000 for tax years beginning on and after January 1, 2006. This bill incorporates HB 2769.

Patron - Fralin

HB1744 Income tax credit; purchase of machinery and equipment for processing recyclable materials. Extends from 10 years to 20 years the carryover period for individual and corporate income tax credits allowed for the purchase of machinery and equipment for processing recyclable materials. The bill also revives the individual income tax credit for such purposes that expired on January 1, 2004, retroactively to that

date. The credit is equal to 10 percent of the purchase price paid for the equipment.

Patron - Putney

HB1811 Prince William County; overcrowding in public schools; real estate tax credit. Authorizes Prince William County to provide a credit against real estate taxes paid by the owner of a home in the attendance zone of a school that the school board has declared to be overcrowded. The credit is for qualifying educational expenses paid during the taxable year on behalf of each child of the taxpayer who (i) was eligible to be enrolled in a public school free of charge pursuant to § 22.1-3 that the school board determines to be overcrowded, (ii) qualifies as the taxpayer's dependent for federal income tax purposes, (iii) was a student at a qualified school in grades kindergarten through 12 during the taxable year, and (iv) does not attend a free public school during the semester or other portion of the school year for which such qualifying educational expenses were paid. The bill defines "qualified school" and "qualifying educational expenses". In order for a public school to be considered "overcrowded" the school board shall have determined that enrollment exceeded 110 percent of the capacity during the taxable year for which the taxpayer is applying for the credit.

Patron - Marshall, R.G.

HB1815 Commonwealth Transportation Expedition Fund. Dedicates one-half of all insurance license tax revenues to expedite transportation projects throughout the Commonwealth that are within two years of completion. The Commonwealth Transportation Board shall use the funds to expedite the completion of those transportation projects that it determines will have the greatest impact on (i) reducing poor air quality, (ii) reducing traffic congestion, and (iii) aiding the safety of motorists or pedestrians.

Patron - Marshall, R.G.

HB1818 Income tax; bicyclists' tax credits for businesses and individuals. Creates two separate tax credits; one for employers and one for individuals. The tax credit for employers allows them to take a credit of up to \$5,000 for providing bicycle racks and showers in their place of business for use by employees who ride bikes to work. The tax credit for individuals provides a credit of \$15 per month for each month the individual rides his bike to and from work for at least 10 days of the month.

Patron - Suit

HB1836 Virginia Coal Employment and Production Incentive Tax Credit. Extends the sunset of the Virginia Coal Employment and Production Incentive Tax Credit to tax years beginning on and after January 1, 2009. The credit is currently set to expire for all tax years on and after January 1, 2005.

Patron - Parrish

HB1838 County food and beverage tax; referendum. Limits the frequency of referendums on imposing a county food and beverage tax to once every three years.

Patron - Parrish

HB1839 Sales and use tax exemption; transfer of property to a contractor. Exempts from sales and use tax personal property acquired after January 1, 2005, but before September 1, 2006, by any nonprofit entity exempt from the sales and use tax, and transferred to any contractor, or purchased by any contractor pursuant to a contract with such nonprofit entity, if the purpose of the transfer or purchase is to construct a memorial for any branch of the United States Armed Forces.

Patron - Parrish

HB1845 Recordation tax; exemption for limited liability companies. Removes the exemption from the recordation tax for LLCs, corporations, and partnerships. This bill has been incorporated into HB 2177.

Patron - Van Yahres

HB1874 Estate tax. Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law, the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. Because under current federal law there is no state estate tax credit, the bill eliminates the current Virginia estate tax. This bill has been incorporated into HB 1490.

Patron - McDougale

HB1875 Sales and use tax exemption; food for human consumption. Exempts food for human consumption from the state sales and use tax. This bill has been incorporated into HB 1638.

Patron - McDougale

HB1876 Retail sales and use tax; eliminates accelerated collection and remittance by vendors. Eliminates the additional June payment for sales and use taxes required of dealers with taxable sales and purchases of \$1.3 million or greater. The bill is effective August 1, 2005.

Patron - McDougale

HB1878 Sales and use tax exemption; school-related items. Beginning in 2005, provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill incorporates HB 1534, HB 1593, HB 2269, and HB 2559.

Patron - McDougale

HB1887 Tobacco products tax; definitions. Defines the terms "distributor," "manufacturer," and "manufacturer's representative."

Patron - Ware, R.L.

HB1888 Historic rehabilitation tax credit. Provides that certain material restoration work (i) that restores a historic home of a President of the United States to within the period of significance stated in the National Historic Landmark individual designation of such home and (ii) that is consistent with "The Secretary of the Interior's Standards for Restoration" shall be eligible for the historic rehabilitation tax credit. The bill is effective for any material restoration completed on or after January 1, 2005, including any eligible restoration expenses for such restoration that were incurred prior to such date.

Patron - Ware, R.L.

HB1898 Income tax; teacher expenses tax credit. Provides an income tax credit of up to \$500 for unreimbursed costs incurred by teachers for supplies they use in their class-

rooms teaching children in grades kindergarten through 12, for taxable years beginning on or after January 1, 2006. This bill has been incorporated into HB 1529.

Patron - Carrico

HB1901 Income tax; day-care facility investment tax credit. Adds expenditures for contracting out on-site child day-care services to the list of items and activities for which the day-care facility investment tax credit is allowed. There is language that removes certain restrictions regarding the approval of credit applications, including the one limiting the credit to \$100,000 per year per taxpayer. The new provisions are effective for taxable years beginning on and after January 1, 2006.

Patron - Baskerville

HB1910 Estate tax. Removes the estate tax from those estates (i) valued at \$10 million or less, or (ii) of which a majority of the assets are an interest in a closely held business, including a working farm.

Patron - Baskerville

HB1913 Individual income tax; personal exemption. Increases the personal exemption amount from \$900 to \$1,600 for tax years beginning on and after January 1, 2006. This bill has been incorporated into HB 1717.

Patron - Cole

HB1935 Individual income tax; senior citizen tax relief. Provides for indexing the \$12,000 and \$6,000 age deduction amounts based on the Consumer Price Index for All Urban Consumers, for taxable years beginning on or after January 1, 2006.

Patron - Shannon

HB1942 Children At Risk in Education Tax Credit. Creates a tax credit to promote educational opportunities for children who are at risk of educational failure. Tax credits will be awarded to business entities for eligible contributions made to eligible nonprofit tuition assistance grant funding organizations. The amount of the credit is 25 percent of the eligible contribution, but may not exceed 75 percent of the tax liability of the business entity. The contributions may be awarded as grants for students' tuition in public and non-public schools. There is a \$6 million cap on total tax credits awarded annually. The credit would be effective for taxable years beginning on and after January 1, 2006.

Patron - Saxman

HB2000 BPOL tax; gross receipts. Changes name from license tax to gross receipts tax and repeals newspapers' exemption from the tax. It allows localities to exempt newspapers from the BPOL tax provided they are exempt from state sales tax. However, if the locality imposes the tax on newspapers, 50 percent of the revenues generated from the tax on newspapers must be used for the locality's arts, cultural or tourist attractions. This bill incorporates HB 2190.

Patron - Griffith

HB2008 Estate tax. Exempts from the estate tax (i) all estates where the majority of assets are an interest in a closely held business, including working farms, and (ii) all estates where the gross estate is worth \$10 million or less. This bill has been incorporated into HB 1490.

Patron - Armstrong

HB2017 Sales and use taxes; food purchased for human consumption. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of two and one-half percent on and after July 1, 2005

(one and one-half percent state and one percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of three and one-half percent beginning July 1, 2005; three percent beginning July 1, 2006; and two and one-half percent beginning July 1, 2007. The bill accelerates the tax relief. This bill is identical to HB 2339 and HB 2421 and has been incorporated into HB 1638.

Patron - Hall

HB2023 Meals tax; cities and towns. Restricts the imposition in any city or town having a population of 100,000 or more of any new meals tax or tax rate increase without approval by referendum.

Patron - Welch

HB2030 Individual income tax; stay-at-home parents' tax credit. Allows a \$300 credit against income tax, for taxable years beginning on and after January 1, 2006, for taxpayers who stay at home to take care of their children who are 10 years of age or younger.

Patron - Amundson

HB2035 Cigarette excise tax. Imposes an excise tax on cigarette manufacturers at a rate of 2 cents for each of the manufacturer's cigarettes sold in the Commonwealth. A cigarette manufacturer may claim as credit against any excise tax due (i) the Commonwealth's share of the manufacturer's contributions under the Master Settlement Agreement or (ii) for nonparticipating manufacturers, the net escrow deposits made each year for the manufacturer's cigarettes sold in the Commonwealth. This bill has been incorporated into HB 2919.

Patron - Hamilton

HB2057 Sales and use tax exemption; telecommunications companies. Effective July 1, 2006, restores the sales and use tax exemption for telecommunication companies that was eliminated in the 2004 Special Session I.

Patron - Byron

HB2065 Taxation; nonresident contractor withholding. Establishes a procedure for withholding taxes from nonresident contractors based on the contract price.

Patron - Parrish

HB2066 Car tax; dedication of income taxes to localities. Repeals the car tax reimbursement program and replaces it by dedicating 17.5 percent of the state individual income tax collections to localities. The bill is effective January 1, 2007, and only if a Constitutional amendment is ratified in November, 2006, exempting from taxation all motor vehicles used for nonbusiness purposes. This bill incorporates HB 2498.

Patron - Rust

HB2092 Sales and use tax; exemption for certain contractors. Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity. The bill has a delayed effective date of July 1, 2006.

Patron - Hugo

HB2160 Income tax and sales and use tax revenue; allocation of certain growth for transportation. Allocates 20 percent of the annual growth in income tax and sales tax revenue coming from Northern Virginia and Hampton