

motel rooms not clearly designated as "nonsmoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

*Patron - Bell*

**FSB1210 National criminal records background check to prevent sex offender access to children and others; costs and penalties.** Provides that any business or organization required to conduct a national criminal background check also must bear the costs, unless it recoups such costs from the applicant. Assesses a civil penalty of up to \$500 for knowing, willful failure to comply with background check requirements and may impose additional statutory measures to revoke the licensure of facilities or other entities.

*Patron - Hanger*

**FSB1325 Medical assistance services; medically needy.** Requires the state plan for medical assistance services to include a provision for payment of medical assistance for aged and disabled individuals with incomes up to 100% of the federal poverty guideline as permitted by federal law. An enactment clause provides that the provisions of this act will not become effective unless an appropriation of general funds to carry out its purposes is included in a 2007 general appropriation act.

*Patron - Reynolds*

**FSB1423 Mobile camps for railroad employees.** Establishes standards for a mobile camp provided by a railroad company for maintenance of way employees. The Board of Health is required to adopt regulations concerning mobile camps.

*Patron - Lucas*

## Highways, Bridges and Ferries

### Passed

**HB1685 Primary system highway construction funds.** Allows the Commonwealth Transportation Board to allocate primary system highway construction funds to highway construction projects maintained or to be maintained by municipalities, provided such construction projects involve components of the National Highway System and the funds are derived from allocations to the highway construction district in which the project is located.

*Patron - Toscano*

**HB1722 Road to Revolution Heritage Trail.** Establishes the Road to Revolution heritage trail to highlight and celebrate Patrick Henry's leading role in liberating Virginia from Colonial rule to independence.

*Patron - Peace*

**HB1746 Virginia Department of Rail and Public Transportation; inventory.** Requires the Virginia Department of Rail and Public Transportation to compile and maintain an

up-to-date inventory of all railroad corridors in the Commonwealth abandoned after January 1, 1970.

*Patron - Marshall, R.G.*

**HB2105 Charles B. Morris Memorial Bridge.** Designates the Interstate 77 bridge over U.S. Route 58 in Carroll County the "Charles B. Morris Memorial Bridge."

*Patron - Carrico*

**HB2128 Adjustment or relocation of billboard signs.** Provides that the owner of a billboard situated on land acquired due to widening, construction, or reconstruction by purchase or by exercise of eminent domain may relocate the billboard to another location as close as practicable on the same property and may adjust the height or angle of the billboard.

*Patron - Hugo*

**HB2165 Monacan Parkway.** Designates that portion of U.S. Route 29 between its intersection with U.S. Route 29 (business) in the Town of Amherst and its intersection with U.S. Route 460 in Campbell County the "Monacan Parkway."

*Patron - Valentine*

**HB2228 Powers of CTC; highway access management standards.** Requires the Commonwealth Transportation Commissioner (CTC) to develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways.

*Patron - Wardrup*

**HB2314 Tolls on Interstate Highway System components.** Allows the Commonwealth Transportation Board, in accordance with all applicable federal and state statutes and requirements, to impose and collect tolls for the use of any component of the Interstate Highway System within the Commonwealth, with the proceeds to be deposited into the Transportation Trust Fund and allocated by the Board.

*Patron - Lingamfelter*

**HB2538 Right of CTC to enter on land to ascertain its suitability for transportation purposes; damages.** Revises the procedures according to which the Commonwealth Transportation Commissioner (CTC), through his duly authorized agents, may enter upon any land in the Commonwealth for the purposes of determining its suitability for highway and other transportation purposes.

*Patron - Landes*

**HB2540 Lance Corporal Jason Redifer Memorial Bridge.** Designates the Virginia Route 608 bridge over Interstate Route 64 in Augusta County at Fishersville the "Lance Corporal Jason Redifer Memorial Bridge."

*Patron - Landes*

**HB2541 Lance Corporal Daniel Scott Resner Bubb Memorial Bridge.** Designates the Virginia Route 256 bridge over Interstate Route 81 in Augusta County at Weyers Cave as the "Lance Corporal Daniel Scott Resner Bubb Memorial Bridge."

*Patron - Landes*

**HB2781 Transfer of highways, etc., by CTB to control of public access authorities.** Allows the Commonwealth Transportation Board (CTB), upon the request of a public access authority, to transfer to the authority any and all rights and interests of the Board in highways, highway rights-

of-way, and landings without first abandoning or discontinuing them.

*Patron - Morgan*

**HB2785 Allocation of highway funds; additional allocation to certain port cities.** Provides that the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, is to allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth, and the County of Warren for use in addressing highway maintenance and repair needs created by or associated with port operations in those localities.

*Patron - Joannou*

**HB2838 Biennial report by VDOT on maintaining and operating existing transportation infrastructure.** Requires the Virginia Department of Transportation, no later than September 15 of each odd-numbered year, to submit to the Governor, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board a report on the condition and needs for maintaining and operating the existing transportation infrastructure in the Commonwealth for all asset management and maintenance, based on an asset management methodology.

*Patron - Amundson*

**HB2854 Financial reports by VDOT and VDRPT.** Requires the preparation and dissemination of additional financial information by the Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Public Transportation (VDRPT).

*Patron - Moran*

**HB2951 Tolls on U.S. Route 17 in Chesapeake.** Requires VDOT to impose and collect tolls for use of U.S. Route 17 in Chesapeake.

*Patron - Cosgrove*

**HB3094 Virginia Coal Heritage Trail.** Designates 95 highway segments in Southwest Virginia as the "Virginia Coal Heritage Trail" and declares them all to be Virginia byways.

*Patron - Phillips*

**HB3202 Transportation funding and reform.** Provides (i) statewide funding of transportation projects through current funds and additional funds, (ii) authority to localities in Northern Virginia and Hampton Roads to impose additional fees for transportation, and (iii) several administrative and efficiency reforms impacting transportation. The bill also authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$2.5 billion for statewide transportation funding with the debt service on such bonds to be paid from a portion of the annual revenues from the state recordation tax.

*Patron - Howell, W.J.*

**SB829 Traffic signal enforcement programs; civil penalty.** Grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time. Provisions within the bill limit the use and retention of images recorded and provide other parameters and limitations for localities.

*Patron - Devolites Davis*

**SB887 Primary system highway construction funds.** Allows the Commonwealth Transportation Board to allocate primary system highway construction funds to highway construction projects maintained or to be maintained by

municipalities, provided such construction projects involve components of the National Highway System and the funds are derived from allocations to the highway construction district in which the project is located.

*Patron - Deeds*

**SB1059 Allocation of construction funds within the secondary system.** Provides that in counties having elected to manage the construction program for the secondary system, payments may be made in equal amounts, one in each quarter of the fiscal year. The bill also states that the amount shall be reduced by the amount of federal-aid construction funds credited to each county and by the amount of funds forecast to be expended for any construction project or any other financial obligations. In addition, the chief administrative officer of such counties shall make annual reports of expenditures to the Department of Transportation.

*Patron - Watkins*

**SB1092 American Former Prisoners of War Memorial Highway.** Designates the portion of U.S. Route 19 in Russell County between Virginia Route 80 at Rosedale and the Russell/Tazewell County boundary the "American Former Prisoners of War Memorial Highway."

*Patron - Puckett*

**SB1128 Biennial report by VDOT on maintaining and operating existing transportation infrastructure.** Requires the Virginia Department of Transportation, no later than September 15 of each odd-numbered year, to submit to the Governor, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board a report on the condition and needs for maintaining and operating the existing transportation infrastructure in the Commonwealth for all asset management and maintenance, based on an asset management methodology.

*Patron - Norment*

**SB1181 Taking subdivision streets into state secondary highway system.** Allows local governing bodies of any counties that have not withdrawn from the state secondary highway system to request the Commonwealth Transportation Board, by resolution, to take any new subdivision street into the state secondary highway system for maintenance if such subdivision street has been developed and constructed in accordance with the Board's subdivision street requirements. Only those subdivision streets constructed in compliance with the Board's subdivision street requirements are to be taken into the state secondary highway system for maintenance. The Board is further required to promulgate regulations establishing such subdivision street requirements. Regulations initially promulgated by the Board are to be exempt from provisions of the Administrative Process Act, but this exemption does not apply to subsequent regulations or amendments thereto.

*Patron - Williams*

**SB1194 Contracts awarded by the Commonwealth Transportation Board or the Commissioner; submission of claims.** Changes the claim submission time for contractors from the date of notification of the Department's final estimate to the date of the final estimate itself, which shall be set forth in a certified letter from the Department. Also provides that the written claim must be delivered to the Department.

*Patron - Reynolds*

**SB1200 Local highway improvement projects; VDOT fees.** Limits fees charged by VDOT for review of local

highway improvement applications, plans, and plats to no more than \$1,000 for each review.

*Patron - Houck*

**SB1312 Powers of CTC; highway access management standards.** Requires the Commonwealth Transportation Commissioner (CTC) to develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways.

*Patron - Hawkins*

**SB1370 Trooper Ricky Marshall McCoy Memorial Bridge.** Designates the Virginia Route 635 bridge over Interstate Route 81 in the City of Salem the "Trooper Ricky Marshall McCoy Memorial Bridge."

*Patron - Bell*

## Failed

**HB1666 Statewide transportation impact fees.** Provides that the Commonwealth Transportation Board shall assess and impose reasonable impact fees to be collected by the Virginia Department of Transportation on new development or new subdivisions that are situated on an access road which has become, or which is to become, part of the primary system of state highways. Such impact fees shall be used to pay all or a part of the cost of reasonable road improvements that are (i) attributable in substantial part to the new development or new subdivision and (ii) necessary to render that access road which has become, or which is to become, part of the primary system of state highways operable at the Level of Service, as that term is described in the Highway Capacity Manual, that existed as of January 1, 2007.

*Patron - Marshall, R.G.*

**HB1667 Impact fees for Loudoun County.** Provides that the Commonwealth Transportation Board shall assess and impose reasonable impact fees to be collected by the Virginia Department of Transportation on new development or new subdivisions that abut, are adjacent to, or are alongside U.S. Route 50 in Loudoun County between U.S. Route 15 and the Fairfax County line. Such impact fees shall be used to pay all or a part of the cost of reasonable road improvements that are (i) attributable in substantial part to the new development or new subdivision and (ii) necessary to render such portion of U.S. Route 50 operable at the Level of Service, as that term is described in the Highway Capacity Manual, that existed as of January 1, 2007. No impact fees shall be assessed or imposed upon a development or subdivision if (a) the subdivider or developer has proffered conditions for off-site road improvements and the proffered conditions have been accepted by the local government or (b) Loudoun County has assessed and imposed impact fees upon such development or subdivision.

*Patron - Marshall, R.G.*

**HB1668 Impact fees in Loudoun County.** Provides that the Commonwealth Transportation Board shall assess and impose reasonable impact fees, to be collected by the Virginia Department of Transportation, on new development or new subdivisions that abut, are adjacent to, or are alongside U.S. Route 50 in Loudoun County between U.S. Route 15 and the Fairfax County line. Such impact fees shall be used to pay all or part of the cost of reasonable road improvements that are (i) attributable in substantial part to the new development or new subdivision and (ii) necessary to render such portion of U.S. Route 50 operable at the Level of Service, as that term is

described in the Highway Capacity Manual that existed as of January 1, 2007.

*Patron - Marshall, R.G.*

**HB1675 Revenue-sharing funds for certain counties, cities, and towns.** Provides that revenue-sharing funds may be used to construct, maintain, or improve a highway system located between two or more localities. The bill also removes certain language setting priorities for distribution of revenue-sharing funds: (i) the requirement that the governing body commit more than \$1 million in general funds and (ii) the requirement that the project be administered by the city, county, or town. In addition, the bill specifies that if proffers are accepted, they shall not be used to finance the activities or improvements for which the proffer was accepted and a permit issued but used to finance construction, maintenance, or improvement to highway systems within the locality under the revenue-sharing program. Lastly, the bill provides that the Commonwealth Transportation Board shall allocate \$50 million each fiscal year to satisfy all requests for matching funds under the revenue-sharing program.

*Patron - Scott, E.T.*

**HB1700 Virginia Defense Facility and Transportation Improvement Fund and Program.** Establishes the Virginia Defense Facility and Transportation Improvement Fund and Program. The Fund is to consist of \$36 million of annual collections of state recordation taxes. Its proceeds are to be allocated by the Commonwealth Transportation Board to highway construction districts wherein federal defense facilities or bases are expanded as the result of actions of the Base Realignment and Closure Commission, and are to be used for transportation infrastructure improvements. The bill requires that matching funds be provided by the locality or localities in which a project will be located as a prerequisite to allocations from the Fund. The provisions of the bill would expire on July 1, 2011.

*Patron - Lingamfelter*

**HB1701 Primary and secondary highway construction funds allocations.** Revises the formulas used to allocate primary and secondary highway construction funds so that such funds are allocated on the basis of population.

*Patron - Lingamfelter*

**HB1716 Fees on trucks.** Requires the Commonwealth Transportation Board to impose a fee on trucks and combination vehicles for use in maintaining state highways. The Board is to calculate, impose, and collect a fee for damage done to highways by certain vehicles. The amount of the fee is to be based on the difference between the amount received annually by the Commonwealth from the federal government for highway maintenance and the annual cost to the Commonwealth of repairing damage done to the highways of the Commonwealth by vehicles subject to the fee. The amount of the fee and the method of payment are to be determined by the Board. The fee is to be imposed on a vehicle-by-vehicle basis, and no vehicle upon which a fee is assessed is to be operated on any highway of the Commonwealth if the fee is not paid in full on or before the date upon which payment of the fee is due.

*Patron - Marshall, R.G.*

**HB1718 Transportation Trust Fund; funding in connection with rezoning application; road capacity.** Allows a locality to deny or modify a request for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. The bill also provides that the Department of Transportation shall collect cash payments, in lieu of cash payments or prof-

fers accepted by a locality, in an amount equal to that which a locality could accept pursuant to its ability to accept proffers if the inadequacy of the existing and future transportation network that would serve the proposed development, as determined by such locality, gives rise to the need for such cash payments or proffers.

*Patron - Marshall, R.G.*

**FHB1736 Littering; penalty.** Creates a civil penalty of \$250 for littering. The bill also creates a Litter Awareness Fund where the money will be deposited and used by the Department of Environmental Quality to create and implement a public awareness campaign to educate the public of the harmful effects of litter on the environment and that cigarette butts are litter.

*Patron - Fralin*

**FHB1741 Construction and improvement of primary or secondary highways by counties.** Eliminates the requirement that primary and secondary highway improvement projects undertaken by counties be subject to approval of project plans and specifications by VDOT, provided that the county warrants and certifies that the projects were built in conformity with state standards and specifications. The bill also eliminates the ability of VDOT to recover from counties VDOT's costs of administering contracts for such projects.

*Patron - Fralin*

**FHB1742 Secondary system highways.** Prohibits taking additional streets into the state secondary highway system on or after January 1, 2008, unless they are within an area subject to control by a homeowners association. This bill was incorporated into HB 2227.

*Patron - Marshall, R.G.*

**FHB1747 Emergency Evacuation Response Routes; Eighth Planning District.** Designates portions of certain highways within the Eighth Planning District as Emergency Response Evacuation Routes and prohibits impediments not approved by the Manual on Uniform Traffic Control Devices from being placed on those portions of highways.

*Patron - Marshall, R.G.*

**FHB1748 Virginia Route 606.** Designates Virginia Route 606 in Loudoun County between U.S. Route 50 and Virginia Route 28 a component of the state primary highway system.

*Patron - Marshall, R.G.*

**FHB1749 Dulles Toll Road; tolls.** Imposes certain conditions on the increase and use of tolls on the Dulles Toll Road.

*Patron - Marshall, R.G.*

**FHB1753 Virginia Route 606.** Designates Virginia Route 606 in Loudoun County between U.S. Route 50 and Virginia Route 28 a component of the state primary highway system.

*Patron - Marshall, R.G.*

**FHB1754 Publication of transportation funds.** Requires the Virginia Department of Transportation to publish annually in hard copy and in electronic format on its website a list of all funds used in the Commonwealth for transportation purposes and the source of such funds, including federal, state, and local sources.

*Patron - Marshall, R.G.*

**FHB1760 Consolidation of VDOT maintenance facilities.** Requires the Commonwealth Transportation Board,

Commonwealth Transportation Commissioner, and the Virginia Department of Transportation forthwith to suspend any and all activities and plans relating in any way to consolidation of the Department's maintenance facilities and their personnel and equipment.

*Patron - Kilgore*

**FHB1783 Traffic warning systems.** Requires the Virginia Department of Transportation, as quickly as practicable, to implement traffic warning systems, operated by private sector businesses, that will provide subscribers, via personal digital assistant devices and other wireless telecommunications technologies, with real-time information concerning traffic congestion, incidents, and other information necessary or convenient to users of the highways of the Commonwealth.

*Patron - Cosgrove*

**FHB1807 Access to certain highways.** Prohibits the Virginia Department of Transportation from closing or otherwise impeding ingress to or egress from Cedar Green Road and Virginia Route 28 North in Loudoun County until all planned improvements on the Virginia Route 625 and Virginia Route 846 interchanges have been completed and Shaw Road between its intersection with Cedar Green Road and Virginia Route 846 (Sterling Boulevard) is widened from two travel lanes to four travel lanes exclusive of any turn lanes and in no case sooner than November 1, 2007.

*Patron - Poisson*

**FHB1842 Dumping on highway, right-of-way or private property; penalty.** Allows, in the event of dumping from a motor vehicle, the court, in lieu of confinement, to suspend the convicted person's driving privileges for up to 12 months and assign such person to clean up litter on roadways or streams or to work in recycling for up to 250 hours of community service.

*Patron - Kilgore*

**FHB1869 Littering on highways; community service; penalty.** Requires any person convicted of littering on any highway to perform a mandatory minimum of 30 hours of community service, administered by the local law-enforcement agency, picking up litter/trash while wearing a blaze orange vest with the phrase "I AM A LITTERBUG." Unsuccessful completion shall result in a misdemeanor conviction of up to 12 months in jail and/or a fine of \$2,500.

*Patron - Wittman*

**FHB1886 Secondary system highways.** Prohibits taking additional streets into the state secondary highway system on or after July 1, 2007, unless they are within an area subject to control by a homeowners' association. This bill was incorporated into HB 2227.

*Patron - Marshall, R.G.*

**FHB1893 Federal "transportation enhancement" grants; distribution.** Provides that the Commonwealth Transportation Board shall allocate and apportion such funds among the nine construction districts on the basis of population.

*Patron - Albo*

**FHB1999 Hampton Roads Bridge and Tunnel Authority.** Establishes the Hampton Roads Bridge and Tunnel Authority and transfers from VDOT to the Authority control of and responsibility for the James River Bridge, the Monitor-Merrimac Memorial Bridge-Tunnel (Interstate Route 664 bridge-tunnel across/beneath Hampton Roads between Newport News and Suffolk), the Hampton Roads Bridge-Tunnel (Interstate Route 64 and U.S. Route 60 bridge-tunnel across/beneath Hampton Roads between Hampton and Norfolk), the

Midtown Tunnel (U.S. Route 58 tunnel beneath the Elizabeth River between Norfolk and Portsmouth), the Downtown Tunnel (Interstate Route 264 tunnel beneath the Elizabeth River between Norfolk and Portsmouth), the Interstate Route 64 bridge over the Elizabeth River in Chesapeake, and the Chesapeake Bay Bridge-Tunnel (U.S. Route 13 bridge-tunnel across/beneath the Chesapeake Bay between Virginia Beach and Northampton County). The bill allows the Authority to impose and collect tolls for the use of these facilities. The Authority's creation is subject to an affirmative vote of six or more of the local governing bodies of localities embraced by the Authority. Any local governing body that has not voted on participation in the Authority by January 1, 2008, will be deemed to have voted in favor of participation. The bill also provides that nothing in the measure is to be construed to authorize the Authority to impose or collect any tax or fee except for the authorized tolls, nor are the bill's provisions to be construed as permitting the imposition and collection of any tax or fee for the benefit of the Authority by any local government represented on the Authority. The bill additionally provides that on or before July 1, 2008, every agency of the Commonwealth or any political subdivision or instrumentality thereof having control of or day-to-day responsibility for the operation of any toll facility in the Commonwealth shall take all necessary actions to ensure that every toll facility under its control is capable of fully automated electronic operation.

*Patron - Suit*

**FHB2049 Annual VDOT report on secondary highway system maintenance.** Requires the Virginia Department of Transportation to study and annually prepare and disseminate a report on maintenance of the state secondary highway system and treatment of secondary highway system components in the Department's asset management system.

*Patron - McQuigg*

**FHB2164 TransDominion Express Commission.** Establishes the TransDominion Express Commission to be responsible, within the TransDominion Corridor, for identifying needed construction, reconstruction, improvements of or repairs to railroads and their facilities and equipment to provide enhanced passenger rail service coordinated with freight rail opportunities within the Corridor.

*Patron - Valentine*

**FHB2187 High-occupancy vehicle lanes; penalties.** Increases fines for drivers in the Hampton Roads Planning District in violation of HOV lane restrictions; mirrors fines for the Eighth Planning District.

*Patron - Miller, P.J.*

**FHB2205 Commonwealth Transportation Board; Commonwealth Transportation Commissioner.** Provides for election of the non-at-large members of the Commonwealth Transportation Board by majority vote of the members elected to each house of the General Assembly. The bill also provides for election of the Commonwealth Transportation Commissioner by the Commonwealth Transportation Board, with the consent of the Governor, for a term of four years. In the event of a vacancy, an Acting Commissioner would be appointed by the Governor until the vacancy is filled by the Commonwealth Transportation Board. The salary of the Commonwealth Transportation Commissioner would be fixed by the Commonwealth Transportation Board, unless it is set by the General Assembly in the appropriation act.

*Patron - Wardrup*

**FHB2207 Toll facility technologies.** Requires that, beginning July 1, 2008, every agency of the Commonwealth or any of its political subdivisions or instrumentalities that have

control of or day-to-day responsibility for the operation of any toll facility take all necessary actions to ensure that every newly constructed toll facility or toll lane under its control is capable of fully automated electronic operation, employing technologies and procedures that permit the collection of tolls from users of the facility without requiring vehicles using the facility to reduce their speed below the speed of traffic approaching the facility. An entity operating a toll facility that substantially upgrades its equipment or substantially renovates its facility after July 1, 2008, must comply with the provisions of this bill. The provisions of this bill also apply to any non-governmental or quasi-governmental entities operating a toll facility under a comprehensive agreement entered into, pursuant to the Public-Private Transportation Act of 1995, on or after January 1, 2008. The bill also requires that the Virginia Department of Transportation, on or before January 1, 2008, submit a written report to the General Assembly on its plans to create opportunities to enhance mobility and free-flowing traffic on Department-controlled toll facilities by embracing technological advances.

*Patron - Wardrup*

**FHB2208 Transfer of control of certain toll facilities.** Provides that no agreement or contract to transfer responsibility from an agency or institution of the Commonwealth for control, maintenance, and/or operation of any toll facility controlled, maintained and/or operated by such agency or institution of the Commonwealth to any other public or private entity shall be entered into by the Commonwealth or any agency, instrumentality, or political subdivision thereof without prior legislative authorization from the General Assembly.

*Patron - Wardrup*

**FHB2209 Reassignment of components of state primary, secondary, and urban highway systems.** Requires that the Virginia Department of Transportation, with the advice and consent of the Commonwealth Transportation Board, on or before January 1, 2008, to reconsider and reassign the various highways, bridges, and other facilities comprising the state primary, secondary, and urban highway systems so that the assignment of components to such systems is based, to the maximum degree practicable, solely upon the components' functional classification.

*Patron - Wardrup*

**FHB2222 Agreements between localities for construction and operation of toll facilities.** Provides that a single county may construct a toll road within its borders and also provides that counties, cities, and towns connected by bodies of water are considered to be contiguous.

*Patron - Wardrup*

**FHB2223 Components of state highway systems.** Requires that the Virginia Department of Transportation, with the advice and consent of the Commonwealth Transportation Board, on or before January 1, 2008, reconsider and reassign the various highways, bridges, and other facilities comprising the state primary, secondary, and urban highway systems so that the assignment of components to such systems is based, to the maximum degree practicable, solely upon the components' functional classification.

*Patron - Wardrup*

**FHB2227 Taking subdivision streets into state secondary highway system.** Allows local governing bodies of any counties that have not withdrawn from the state secondary highway system to request the Commonwealth Transportation Board, by resolution, to take any new subdivision street into the state secondary highway system for maintenance if such subdivision street has been developed and constructed in

accordance with the Board's subdivision street requirements. Only those subdivision streets constructed in compliance with the Board's subdivision street requirements are to be taken into the state secondary highway system for maintenance. The Board is further required to promulgate regulations establishing such subdivision street requirements. Regulations initially promulgated by the Board are to be exempt from provisions of the Administrative Process Act, but this exemption does not apply to subsequent regulations or amendments thereto.

*Patron - Wardrup*

**FHB2232 Rail Enhancement Fund; local contribution.** Provides that for any funds to be expended, the local governing body of each locality within which the project is located shall contribute 1% of the total cost of the project.

*Patron - Nutter*

**FHB2233 Expenditures from the Rail Enhancement Fund.** Provides that a resolution from each local governing body of each locality within which a portion of a project is located approving the project must be received before funds may be expended.

*Patron - Nutter*

**FHB2234 Rail Enhancement Fund; creation of a five-year plan.** Directs the Director of the Department of Rail and Public Transportation to create a five-year plan outlining expenditures from the Fund. The plan shall be submitted and updated at least once every two years for approval by the General Assembly.

*Patron - Nutter*

**FHB2280 Primary system highway construction funds allocation.** Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90%, and a need factor, weighted 10%.

*Patron - Watts*

**FHB2281 Highway maintenance allocations.** Provides for allocation of highway maintenance funds among the primary, secondary, and urban systems in the same manner as allocations of construction funds.

*Patron - Watts*

**FHB2288 VDOT regulations.** Requires that no regulation of the Virginia Department of Transportation, the Commonwealth Transportation Commissioner, or the Commonwealth Transportation Board can require separate "as-built" permits for every utility located within a newly dedicated highway right-of-way of any component of the primary or secondary highway system or the Interstate Highway System. At the option of the Department's district administrator, developers must be permitted to submit recorded composite plats that contain all necessary utility information, coded as required for clarity, and shown for the individual plats of the composite, as opposed to individual plats.

*Patron - Watts*

**FHB2310 State funding for portions of certain local transportation projects.** Provides that the Commonwealth Transportation Board shall make an allocation to any locality, not to exceed the lesser of \$25 million or 33% of the cost of the project, to be used by the locality for a transportation project, provided that (i) the locality has issued or will issue bonds for transportation purposes in the fiscal year in which the allocation is sought in an amount that exceeds the amount of the state allocation; (ii) the locality has sufficient local funds, which,

together with the state allocation, will complete the project; and (iii) the transportation project for which the allocation is sought is determined by the Commonwealth Transportation Board, compared with other requests for such allocations, to be more likely to relieve severe traffic congestion, according to criteria and procedures for making application for funds that shall be developed by the Commonwealth Transportation Board. Total state funds allocated by the Board for this program shall not exceed \$50 million in any one fiscal year

*Patron - Lingamfelter*

**FHB2340 Highway signs in memory of DUI victims.** Requires the Commonwealth Transportation Board to provide for installation and maintenance of official highway signs in memory of persons killed in accidents involving intoxicated drivers.

*Patron - Abbitt*

**FHB2379 Pavement markings indicating school bus stops.** Provides that local governing bodies may and VDOT, upon the written request of a local governing body, must mark the pavement of highways to indicate school bus stops. Whenever such pavements are so marked, access to these areas must be kept clear, and must not be obstructed as the result of snow removal operations.

*Patron - May*

**FHB2411 Highway "revenue-sharing" funds.** Requires that, from annual allocations of state funds for the maintenance, improvement, construction, or reconstruction of the systems of state highways, the Commonwealth Transportation Board make an equivalent matching allocation to any county, city, or town for designations by the governing body of no less than \$1 million in county, city, or town general funds for use by the county, city, or town to construct, maintain, or improve the highways. The bill further eliminates the first and second priorities for funding under the "revenue-sharing" program and provides that allocations will be made first to the acceleration of an existing project in the Six-Year Improvement Program or the locality's capital plans; and then, from any funds remaining, to any other request that has a matching allocation from the governing body. Finally, the measure converts the present annual \$50 million "cap" on the "revenue-sharing" program to a floor.

*Patron - Athey*

**FHB2440 Commonwealth Transportation Investment Fund.** Creates the Commonwealth Transportation Investment Fund and dedicates to it one-third of all insurance license tax revenues, to be used for transportation projects throughout the Commonwealth. The Commonwealth Transportation Board is authorized to issue revenue bonds provided that the total face amount of bonds issued in any fiscal year shall not exceed two-thirds of the amount of insurance license tax revenues estimated to be dedicated in that year. The proceeds of the bonds shall be allocated among various transportation modes according to the formula under current law. All other revenues in the Fund not needed to pay debt service on the bonds are allocated for transportation construction projects among the several highway systems of the Commonwealth according to the formula under current law. The particular transportation projects to be funded shall be determined by the Commonwealth Transportation Board. The bill also increases from \$800 million to \$1.2 billion the amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes that were authorized in 2000 and dedicated to transportation projects, and makes other changes to transportation projects that were authorized in 2000.

*Patron - Frederick*

**HB2441 High-occupancy vehicle lanes hours of operation.** Establishes hours of operation for HOV lanes along I-95 and I-395 in Northern Virginia.

*Patron - Frederick*

**HB2444 HOV lanes.** Requires the Commonwealth Transportation Commissioner, for HOV lanes designated by the Commonwealth Transportation Board, to develop and implement a process whereby (i) the times of day during which HOV restrictions are in place may be applicable either earlier or later on any day when traffic volume on the affected facility increases markedly either prior to or after the hours when HOV restrictions would otherwise apply and (ii) the direction of traffic flow on HOV facilities with reversible lanes may be reversed at any time when so doing would expedite the movement of traffic on parallel lanes not subject to HOV restrictions.

*Patron - Frederick*

**HB2461 HOT lanes.** Revises the procedures and penalties involved with HOT lane enforcement.

*Patron - Rust*

**HB2472 Statewide Transportation Plan.** Requires that the plan promote economic development and include quantifiable and achievable goals relating to congestion reduction and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and housing access to transit and pedestrian facilities, air quality, and vehicle miles traveled. The bill further requires that the Commonwealth Transportation Board consider such goals in evaluating and selecting transportation improvement projects.

*Patron - Wardrup*

**HB2475 Highway Revenue-Sharing Funds.** Eliminates the four-tier priority system for distributions of so-called Revenue-Sharing Funds to localities. The bill also eliminates the requirement that, for contracts administered by VDOT, payment of the local match requirement within 30 days of written notice from VDOT of its intent to proceed. The bill eliminates the requirement that no more than one-half of a locality's match may take the form of proffers. The bill requires that the Commonwealth Transportation Board annually allocate at least \$50 million to this program.

*Patron - Crockett-Stark*

**HB2476 Secondary highway system; rural additions.** Allows any road in Wythe County to be taken into the secondary system as a rural addition if such road was recorded in the Wythe County Circuit Court Clerk's Office prior to November 1, 1999. This bill was incorporated into HB 2227.

*Patron - Crockett-Stark*

**HB2496 Transportation; supplemental funding for Northern Virginia.** Permits any city or county that is within the Northern Virginia Transportation Authority (Authority), to impose two additional local fees and taxes to go to the Authority, and also have the Authority receive the revenue from three additional state taxes imposed in the region. The bill assures that none of the additional revenues shall be used to calculate or reduce transportation funding or be used to calculate or reduce any other funding to the applicable localities, including funding for education. The bill also repeals the authority for any locality imposing the two additional local fees and taxes to impose a local income tax. The two additional local fees or taxes are (i) a rental car transportation impact fee of 2% and (ii) a transportation impact commercial real property tax of 0.3%. The three additional state regional taxes are (a) a fee of \$100 on the initial issuance of a driver's license on resi-

dents of Northern Virginia, (b) a hotel/motel transportation impact fee of 2% for rooms in Northern Virginia, and (c) a congestion relief fee on the seller for each deed for real estate recorded in Northern Virginia at the rate of \$0.40 for each \$100 of value. The three state regional taxes are imposed only in those localities that impose the two additional local fees or taxes. The Northern Virginia Transportation Authority shall determine the transportation projects to be funded and shall use the additional revenues for the primary benefit of those counties and cities that are imposing the two new local fees and taxes as follows: 1. Pay any debt service due on bonds issued by the Authority from the additional regional state fees imposed by the bill; 2. The next \$50 million received in each fiscal year shall be distributed to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be required under federal law for the payment of certain federal funds to WMATA for capital improvements. The Authority shall make such annual distribution from such revenues (1) only to the extent required under federal law for the payment of federal funds to WMATA; (2) only if the matching federal funds are exclusive of, and in addition to, the amount of other federal funds appropriated to the Commonwealth for transportation; and (3) only if such other federal funds are in an amount not less than the amount of such funds appropriated to the Commonwealth in the fiscal year ending June 30, 2007. For each year after 2018 this \$50 million shall be used for the expansion of Metro or other rail service into Prince William County; 3. The next \$30 million received in each fiscal year shall be distributed to the Virginia Railway Express for capital improvements including, but not limited to, construction of parking, dedicated rail on the Fredericksburg line, rolling stock, expanded service to Prince William, and service as may be needed as a result of the Base Realignment and Closure Commission regarding Fort Belvoir; 4. At least 25% of the remaining revenues each year shall be dedicated for use on urban and secondary road construction and improvement. Such funds shall be distributed on a pro rata basis with each locality's share being the total taxes and fees newly authorized in the bill generated or attributable to the locality divided by the total taxes and fees newly authorized in the bill generated or attributable to all localities embraced by the Northern Virginia Transportation Authority; 5. At least 20% of the remaining revenues each year shall be distributed to the localities embraced by the Northern Virginia Transportation Authority on a pro rata basis with each locality's share being the total taxes and fees newly authorized in the bill generated or attributable to the locality divided by the total taxes and fees newly authorized in the bill generated or attributable to all localities embraced by the Northern Virginia Transportation Authority. The revenues distributed shall be used solely for transportation capital improvements and public transportation purposes as determined solely by the applicable locality. None of this revenue may be used to repay debt issued before January 1, 2008. At the request of any county embraced by the Authority, all state secondary road construction funding due such county shall be transferred to such county, provided that the county assumes full responsibility for planning and constructing its secondary roads. Each locality shall provide annually to the Northern Virginia Transportation Authority sufficient documentation as required by the Authority showing that the funds were used as required; 6. Beginning at the time that phase two of the Dulles Rail project is constructed, at least \$20 million shall be dedicated annually for the Dulles Rail project; and 7. To construct transportation projects in the localities that are members of the Authority that are imposing the new local fees authorized by the bill, as may be determined by the Authority in consultation with members of the governing bodies of the localities embraced by the Authority, and members of the General Assembly representing any locality embraced by the Authority. Localities that are not imposing the

two new local fees authorized by the bill may not participate in determining the services and projects to be funded. The Northern Virginia Transportation Authority is authorized to issue bonds provided that the debt service does not exceed the amount of revenue provided by the three new regional state taxes.

*Patron - Albo*

**HB2655 Highway maintenance payments to counties that have withdrawn or may withdraw from the state secondary highway system.** Revises maintenance payments to counties that have withdrawn from the state secondary highway system prior to January 1, 2007, and provides for similar payments to counties that withdraw in the future.

*Patron - Lingamfelter*

**HB2682 Local Partnership Programs.** Provides that when Local Partnership Programs are established and fully funded by the General Assembly in the general appropriation act, the Department of Transportation must ensure that Departmental funds are transmitted periodically to the locality with such frequency and on dates and in amounts that at no time will the locality be obligated to fund any portion of the project, pending reimbursement by the Department.

*Patron - Frederick*

**HB2706 Insurance license tax revenue; dedicated for transportation.** Dedicates all state insurance license tax revenue for transportation projects in each highway construction district throughout the Commonwealth on a pro rata basis pursuant to the amount of the recordation tax attributable to the localities in each such district. The bill also creates a transportation program for each highway construction district (similar to the Northern Virginia Transportation Program) as the vehicle by which the revenues are distributed. In addition, the revenues may be used to issue bonds annually with a face value up to two-thirds of the amount of revenue estimated to be dedicated for each respective fiscal year, with the bond proceeds distributed to each transportation program on the same pro rata basis. For all the transportation programs other than that for Northern Virginia and that for Hampton Roads, the Commonwealth Transportation Board shall determine the transportation projects to be funded. The transportation projects to be funded in Northern Virginia shall be as determined by the Northern Virginia Transportation Authority. The transportation projects to be funded in Hampton Roads shall be as determined by the Hampton Roads Metropolitan Planning Organization with the advise and consent of the members of the House Appropriations and Senate Finance Committees residing in Planning District 23.

*Patron - Hugo*

**HB2779 Virginia Department of Transportation to repair dam.** Directs the Virginia Department of Transportation to repair the Haley's Mill Pond Dam and that portion of Virginia Route 629 thereon in Middlesex County.

*Patron - Morgan*

**HB2795 Subdivision streets.** Provides that on and after July 1, 2007, no street in any county will be taken into the state secondary highway system for maintenance purposes unless it is classified by the Department as a local collector road. Other roads that, prior to July 1, 2007, would have been taken into the state secondary highway system will be classified by the Department as local subdivision roads and will not be taken into the state secondary highway system unless they are within an established urban development area. This bill was incorporated into HB 2227.

*Patron - Marshall, R.G.*

**HB2813 Transportation Trust Fund; dedication of certain surplus revenue.** Dedicates to the Transportation Trust Fund 50% of any annual general fund surplus revenues remaining after any required deposits to the Revenue Stabilization Fund and to the Virginia Water Quality Improvement Fund. This bill was incorporated into HB 3202.

*Patron - Sickles*

**HB2881 Insurance license tax revenue; dedication to Priority Transportation Fund.** Dedicates the revenues from the motor vehicle insurance license tax in each fiscal year to the Priority Transportation Fund and repeals the current dedication to the Fund of one-third of the estimated revenues from all insurance license taxes. This bill was incorporated into HB 3202.

*Patron - Phillips*

**HB2886 Leland Branham Memorial Bridge.** Designates the Virginia Route 72 bridge over Tom's Creek near Bondtown in Scott County the "Leland Branham Memorial Bridge."

*Patron - Phillips*

**HB2888 "Revenue-sharing" funds.** Repeals provision for use of so-called "revenue-sharing" funding of certain highway projects.

*Patron - Phillips*

**HB2922 Annual VDOT statistical report.** Requires the Virginia Department of Transportation to prepare and disseminate an annual statistical report containing highway and arterial roadway levels of service; the total number of vehicle miles traveled and the rate of growth in vehicle miles traveled; vehicle miles traveled per capita and the rate of change in vehicle miles traveled per capita; vehicle trips made and the rate of growth in vehicle trips made; vehicle trips made per capita and the rate of change in vehicle trips made per capita; emissions of nitrogen oxide, volatile organic compounds, and particulate matter; modal shares of total trips made for driving, transit, carpooling, telecommuting, walking, and bicycling; and the number of jobs and residences within one-quarter and one-half mile of locations where transit service is available at least every 15 minutes during peak travel hours. These data are to be reported for each planning district and/or region embraced within a metropolitan planning organization and on a statewide basis. Reports summarizing the data shall be disseminated to the General Assembly and to the Commonwealth Transportation Board in September of each year and be posted on the Department's website.

*Patron - Shannon*

**HB2941 Components of state highway systems.** Requires that the Virginia Department of Transportation, with the advice and consent of the Commonwealth Transportation Board, on or before January 1, 2008, reconsider and reassign the various highways, bridges, and other facilities comprising the state primary, secondary, and urban highway systems so that the assignment of components to such systems is based, to the maximum degree practicable, solely upon the components' functional classification. This bill was incorporated into HB 2223.

*Patron - Miller, J.H.*

**HB2944 Powers of CTC.** Requires the Commonwealth Transportation Commissioner (CTC), in order to achieve efficiency, to outsource or privatize any of VDOT's functions that might reasonably be provided by the private sector. This bill was incorporated into HB 2209.

*Patron - Miller, J.H.*

**HB3057 HOV lanes.** Extends until July 1, 2008, the sunset on use of HOV facilities by vehicles bearing clean special fuel license plates. This bill does not change the treatment of clean special fuel vehicles using I-95 and I-395. This bill was incorporated into HB 2132.

*Patron - Plum*

**HB3074 Certain signage on interstates.** Directs the Department of Transportation to erect attraction signs on interstates directing travelers to the attraction using a connecting interstate when the distance to the attraction using the connecting interstate is within 15 miles of the attraction sign.

*Patron - Fralin*

**HB3106 Composition of RMA Board.** Revises the composition of the Board of Directors of the Richmond Metropolitan Authority (RMA).

*Patron - Nixon*

**HB3142 Tolls; motorcycles.** Allows motorcycles toll-free use of VDOT-controlled toll facilities.

*Patron - Reid*

**HB3159 Secondary highway system maintenance; creation of urban transportation service districts; impact fees.** Provides for the creation of urban transportation service districts and provides a mechanism whereby counties that resume responsibility for maintaining all or portions of the state secondary highway system within their boundaries before July 1, 2010, will receive an amount equal to the urban allocation per lane mile for the area within the district for purposes of road maintenance. In addition, such locality shall receive an amount equal to the difference between the urban allocation and what VDOT would be spending within the service district if not for the creation of such district. The money received by a locality shall come from a dedicated percentage of the state sales tax collected in the locality. The boundaries of urban transportation service districts are to be agreed upon by both the local governing body of the locality and by the Virginia Department of Transportation. Provision is also made for transferring VDOT equipment and employees to localities that adopt such districts. In addition, localities that establish an urban transportation service district shall have expanded impact fee authority that includes roads, schools and other public facilities. However, such authority may only be exercised in areas outside of urban transportation service districts and on parcels that have previously been rezoned for by-right residential development. Furthermore, localities that have established urban transportation service districts may provide for the denial or modification of an application for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. This bill was incorporated into HB 3197.

*Patron - Frederick*

**HB3173 Commonwealth Transportation Board; display of the United States flag on interstate highways.** Requires the Commonwealth Transportation Board to establish rules and regulations providing for the display of the flag of the United States along interstate highways in the Commonwealth by military veterans' organizations. These rules and regulations shall include, but not be limited to, provisions relating to the (i) size of the flag to be displayed, (ii) proper illumination, and (iii) the manner of placement of the display so as to ensure proper respect for the flag and to prevent any road hazard or distraction to vehicular traffic.

*Patron - Hugo*

**HB3179 Toll facilities in Hampton Roads.** Provides for imposition and collection of tolls for use of the Hampton Roads Bridge Tunnel, the Midtown Tunnel, the Downtown Tunnel, and US 460 from, roughly, New Bohemia to Bowers Hill.

*Patron - Gear*

**SB752 Commonwealth Transportation Commissioner.** Provides for election of the Commonwealth Transportation Commissioner by the Commonwealth Transportation Board with the consent of the Governor for a term of four years. In the event of a vacancy, an Acting Commissioner would be appointed by the Governor until the vacancy is filled by the Commonwealth Transportation Board. The salary of the Commonwealth Transportation Commissioner would be fixed by the Commonwealth Transportation Board.

*Patron - Williams*

**SB753 Commonwealth Transportation Board.** Provides for election of the non-at-large members of the Commonwealth Transportation Board by majority vote of the members elected to each house of the General Assembly.

*Patron - Williams*

**SB761 Secondary highway maintenance payments to Henrico County.** Beginning with the fiscal year starting July 1, 2007, increases to \$7,201 per lane-mile the secondary highway maintenance payments made to Henrico County. The increase would fix the secondary highway maintenance base payments to Henrico County at the same level as such payments to Arlington County.

*Patron - Stosch*

**SB792 Road maintenance payments to Henrico County.** Fixes maintenance payments to Henrico County for the 2007-2008 fiscal year at the same amount paid to Arlington County for maintenance in such year.

*Patron - Stosch*

**SB812 "Revenue-sharing" funds for highway systems in certain counties, cities, and towns.** Provides that, from additional revenues made available by the General Assembly after January 1, 2007, and appropriated for the improvement, construction, or reconstruction of the systems of state highways, the Commonwealth Transportation Board must make an equivalent matching allocation to any county, city, or town for designations by the governing body of up to \$1 million in county, city, or town general funds for use by the county, city, or town to construct or improve the highway systems within such county, city, or town. After adopting a resolution supporting the action, the governing body may request revenue-sharing funds to construct or improve a highway system located in another locality, between two or more localities, or to bring subdivision streets, used as such prior to July 1, 1992, up to standards sufficient to qualify them for inclusion in the state primary and secondary system of highways. All requests for funding shall be accompanied by a prioritized listing of specific projects. In allocating these funds, the Board must give priority (i) first when such project is administered by the county, city, or town, either directly or by contract with another entity, (ii) second when such county, city, or town commits more local funding than the amount of revenue-sharing funding requested; and (iii) third when the allocation will accelerate an existing project in the Six-Year Improvement Program or the locality's capital plans. Any funds remaining may be applied to any other project that requires an equivalent matching allocation from the governing body. Regardless of implementation, funds allocated under this program must be utilized within two subsequent fiscal years of allocation, or

earlier. Any revenue-sharing funds remaining after two subsequent fiscal years of allocation may be reallocated at the discretion of the Commonwealth Transportation Board.

*Patron - Ruff*

**FSB901 Highway safety corridor; U.S. Route 13.** Directs the Commissioner of the Department of Transportation to designate U.S. Route 13 in Northampton and Accomack Counties a highway safety corridor.

*Patron - Rerras*

**FSB941 Annual maintenance reports by the Virginia Department of Transportation.** Directs the Virginia Department of Transportation to prepare and disseminate annual reports projecting a three-year maintenance schedule for each planning district. This bill was incorporated into SB 1128.

*Patron - Ticer*

**FSB1008 HOT lanes.** Revises the procedures and penalties involved with HOT lane enforcement.

*Patron - Saslaw*

**FSB1026 State secondary highway system; local-option retail sales taxes on motor fuels.** Requires counties with populations of 50,000 or more, according to the last preceding U.S. census, to take over from VDOT responsibility for planning, construction, operation, and maintenance of state secondary highway system components within their boundaries prior to July 1, 2012. This would apply to the Counties of Campbell, Washington, Fauquier, York, Henry, Frederick, Bedford, Pittsylvania, Augusta, Rockingham, Albemarle, Montgomery, Roanoke, Hanover, Spotsylvania, Stafford, Loudoun, Chesterfield, Prince William, and Fairfax. Additionally, the bill provides, on a local-option basis, for a two percent retail sales tax on motor fuels in counties that take over responsibilities for state secondary highways, the proceeds of which would be used for secondary highway planning, construction, operation, and maintenance.

*Patron - O'Brien*

**FSB1028 Commonwealth Transportation Board; display of the United States flag on interstate highways.** Requires the Commonwealth Transportation Board to establish rules and regulations providing for the display of the flag of the United States along interstate highways in the Commonwealth by military veterans' organizations. These rules and regulations shall include, but not be limited to, provisions relating to the (i) size of the flag to be displayed, (ii) proper illumination, and (iii) the manner of placement of the display so as to ensure proper respect for the flag and to prevent any road hazard or distraction to vehicular traffic.

*Patron - O'Brien*

**FSB1086 Revenue-sharing funds for systems in certain counties, cities, and towns.** Eliminates language in present law setting priorities for distribution of revenue-sharing funds. The bill also provides that the Commonwealth Transportation Board shall allocate at least \$50 million each fiscal year to satisfy all requests by localities for matching funds. This bill was incorporated into SB 812.

*Patron - Puckett*

**FSB1101 Hampton Roads Toll Facility Authority.** Establishes the Hampton Roads Toll Facility Authority and transfers from VDOT to the Authority control of and responsibility for eight specifically named facilities in Hampton Roads and allows the Authority to impose and collect tolls for use of those facilities.

*Patron - Williams*

**FSB1102 Adjustment or relocation of billboard signs.** Provides that the owner of a billboard situated on land acquired due to widening, construction, or reconstruction by purchase or by exercise of eminent domain may relocate the billboard to another location on the same property and may adjust the height or angle of the billboard.

*Patron - Williams*

**FSB1163 Transportation Trust Fund; additional sources of revenues.** Dedicates for transportation purposes all insurance license tax revenues relating to automobile insurance policies. The bill also creates a new source of revenue for the transportation. Upon conviction of certain dangerous driving offenses and traffic infractions for which the Department of Motor Vehicles assigns six demerit points, a court shall order the offender to make a payment into the Transportation Trust Fund. The court shall collect the payments on behalf of the Commonwealth and remit the payments to the Fund. Finally, the bill dedicates the unallocated funds in the first year of the 2006-2008 budget to the Transportation Trust Fund.

*Patron - Bell*

**FSB1201 Insurance license tax revenue; dedication to Priority Transportation Fund.** Dedicates the revenues from the motor vehicle insurance license tax in each fiscal year to the Priority Transportation Fund and repeals the current dedication to the Fund of one-third of the estimated revenues from all insurance license taxes.

*Patron - Houck*

**FSB1259 Annual VDOT statistical report.** Requires the Virginia Department of Transportation to prepare and disseminate an annual statistical report containing highway and arterial roadway levels of service; the total number of vehicle miles traveled and the rate of growth in vehicle miles traveled; vehicle miles traveled per capita and the rate of change in vehicle miles traveled per capita; vehicle trips made and the rate of growth in vehicle trips made; vehicle trips made per capita and the rate of change in vehicle trips made per capita; emissions of nitrogen oxide, volatile organic compounds, and particulate matter; modal shares of total trips made for driving, transit, carpooling, telecommuting, walking, and bicycling; and the number of jobs and residences within one-quarter and one-half mile of locations where transit service is available at least every 15 minutes during peak travel hours. These data are to be reported for each planning district and/or region embraced within a metropolitan planning organization and on a statewide basis. Reports summarizing the data shall be disseminated to the General Assembly and to the Commonwealth Transportation Board in September of each year and be posted on the Department's website.

*Patron - Herring*

**FSB1260 Urban and secondary highway system construction allocations.** Revises the formulas for distribution of urban and secondary highway system construction funds.

*Patron - Herring*

**FSB1299 George P. Coleman Bridge; tolls.** Requires that the tolls be removed from the George P. Coleman Bridge.

*Patron - Norment*

**FSB1330 Installation of signs requiring that headlights be lighted.** Requires VDOT to install at the approach to every tunnel a sign requiring that vehicles display lighted headlights regardless of the time of day or weather conditions. Failure to obey these signs is a secondary offense, but punishable as a traffic infraction.

*Patron - Blevins*

**SB1348 Rail Enhancement Fund.** Allows projects proposed by the Director of the Department of Rail and Public Transportation and approved by the Rail Advisory Board to be exempt from the 30% match requirement.

*Patron - Rerras*

**SB1389 TransDominion Express Commission.** Establishes the TransDominion Express Commission to be responsible, within the TransDominion Corridor, for identifying needed construction, reconstruction, improvements of or repairs to railroads and their facilities and equipment to provide enhanced passenger rail service coordinated with freight rail opportunities within the Corridor.

*Patron - Edwards*

**SB1414 Transportation; supplemental funding for Northern Virginia.** Authorizes localities in Northern Virginia to impose additional local fees for transportation purposes. This bill was incorporated into SB 1417.

*Patron - Devolites Davis*

**SB1415 Transportation; supplemental funding for Hampton Roads.** Authorizes localities in Hampton Roads to impose additional local fees for transportation purposes. This bill was incorporated into SB 1417.

*Patron - Stolle*

**SB1420 State secondary highway system; local-option retail sales taxes on motor fuels.** Requires counties with populations of 50,000 or more, according to the last preceding U.S. census, to take over from VDOT responsibility for planning, construction, operation, and maintenance of state secondary highway system components within their boundaries prior to July 1, 2012. This would apply to the Counties of Campbell, Washington, Fauquier, York, Henry, Frederick, Bedford, Pittsylvania, Augusta, Rockingham, Albemarle, Montgomery, Roanoke, Hanover, Spotsylvania, Stafford, Loudoun, Chesterfield, Prince William, and Fairfax. Additionally, the bill provides, on a local-option basis, for a two percent retail sales tax on motor fuels in counties that take over responsibilities for state secondary highways, the proceeds of which would be used for secondary highway planning, construction, operation, and maintenance.

*Patron - Cuccinelli*

## Homestead and Other Exemptions

Passed

**HB2766 Exemption of certain retirement benefits from creditor process.** Conforms the state exemption of retirement benefits to that allowed under new federal bankruptcy law.

*Patron - Hurt*

## Hotels, Restaurants, Summer Camps and Campgrounds

Passed

**HB2422 Restaurants; smoking prohibited; penalties.** Prohibits smoking in restaurants in the Commonwealth unless a restaurant posts signs stating "Smoking Permitted" conspicuous to ordinary public view at each public entrance. Any person who continues to smoke in any prohibited area after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$250 for the first offense, and \$500 for a second offense; any subsequent offense shall be punishable as a Class 2 misdemeanor. Any proprietor of any restaurant who fails to comply with these restrictions shall be subject to a civil penalty of not more than \$500 for the first offense and \$1000 for a second offense; any subsequent offense shall be punishable as a Class 1 misdemeanor.

*Patron - Griffith*

Failed

**HB1976 Hotel liability; personal injury claims based on intentional conduct.** States that in any personal injury claim brought against a hotel by a guest or invitee for the intentional conduct of another shall be determined in the same manner as if the hotel were any other business.

*Patron - Fralin*

## Housing

Passed

**HB2011 Virginia Residential Property Disclosure Act.** Amends the required residential property disclosure/disclaimer statement developed by the Real Estate Board by eliminating the disclaimer provisions. Under the bill, the statement will now be a disclosure statement and will contain the six minimum disclosures, thereby conforming to actual usage, requiring the buyer to use due diligence. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Suit*

**HB2469 Uniform Statewide Building Code; abatement of violations.** Allows, as a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator and a representative of the locality to agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty.

*Patron - Marshall, D.W.*

**HB2497 Building permits for ancillary school buildings.** Allows a local building official to issue an annual permit for any construction regulated by the building code.

*Patron - Orrock*

**HB2789 Uniform Statewide Building Code; violations; penalty.** Provides that when violations of the Building Code relating to occupancy limits, where a dwelling results in not being a safe, decent, and sanitary dwelling, in a locality where the governing body has taken action to enforce the Maintenance Code, any owner, other person, firm, or corporation convicted of such violation may be punished by increased

finances and confinement in jail for not more than 10 days. Currently, any violation of the Building Code is punishable by a fine of not more than \$2,500.

*Patron - Hull*

**HB2885 Housing authorities; compensation of commissioners.** Requires commissioners of a housing authority to receive compensation not to exceed \$75 for each meeting of the authority attended by the commissioner. Currently, a commissioner does not receive compensation for his services, but is entitled to reimbursement of expenses.

*Patron - Phillips*

**HB3123 Housing authorities; public hearings.** Clarifies that a housing authority must hold at least one public hearing to receive the views of citizens within the area of operation of the authority before it gives final approval to either (i) its budget or (ii) any request for funding for submission to the governing body.

*Patron - Alexander*

**SB735 Housing authority law; spot blight abatement; interest on liens.** Gives a locality a lien on property declared a nuisance when the locality, and not the owner, abates or removes the nuisance at its expense. The bill provides that this lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid. The bill also provides for the same interest rate for liens on property declared to be blighted.

*Patron - Cuccinelli*

**SB1138 City of Norfolk; Norfolk Redevelopment Housing Authority; East Oceanview Conservation and Redevelopment Plan.** Authorizes the City of Norfolk and the Norfolk Redevelopment Housing Authority to adopt a new redevelopment or conservation plan designating a redevelopment or conservation area that may include real property for acquisition located within the boundaries set forth in the previous Conservation and Redevelopment Plan for the East Ocean View Conservation and Redevelopment Project, which is scheduled to expire on July 1, 2007.

*Patron - Rerras*

## Failed

**HB1824 Housing authorities; use of eminent domain.** Limits the power of housing authorities to acquire property within a conservation area through the use of eminent domain to those properties that are blighted.

*Patron - Suit*

**HB1825 Housing Trust Fund.** Provides that 50% of the annual revenue collection from the taxes and fees from the state recordation tax that are in excess of the official estimates for such taxes and fees, unless otherwise provided in the general appropriation act, shall be set apart in a permanent and perpetual fund to be known as the Virginia Housing Trust Fund. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Suit*

**HB2009 Housing Authorities Law; exercise of eminent domain authority; compensation for certain landowners.** Provides that when property that is not blighted property has been acquired pursuant to a redevelopment or conservation plan by an authority through the exercise of the power of eminent domain and is subsequently sold to a private entity, then the owner of such property will receive additional

compensation in the amount of 50% of the net gain realized by the authority.

*Patron - Suit*

**HB2297 Uniform Statewide Building Code; Statewide Fire Prevention Code; required automatic sprinkler systems or other fire suppression systems in certain structures.** Requires the Board of Housing and Community Development to establish standards for requiring automatic sprinkler systems or other fire suppression systems in buildings that are more than 75 feet or more than six stories high and used, in whole or in part, as (i) a residential dwelling unit designed or developed and marketed to persons aged 60 years or older or (ii) an assisted living facility licensed by the Department of Social Services. The bill also contains technical amendments.

*Patron - McClellan*

**HB2414 Uniform Statewide Building Code; asbestos inspections.** Provides that before a building permit may be issued for any building to be renovated or demolished, the local building department must receive certification from the owner or his agent that the affected portions of the building have been inspected for the presence of asbestos by an individual licensed to perform such inspections pursuant to § 54.1-503. Currently, such certification is required for only those buildings for which an initial building permit was issued before January 1, 1985.

*Patron - Athey*

**HB2470 Uniform Statewide Building Code; abatement of violations.** Grants a locality, in the event of a waiver of trial, admission of liability, and payment of a civil penalty by the violator, the ability to require abatement of a building code violation within a prescribed six-month time period.

*Patron - Marshall, D.W.*

**HB2554 Statewide Building Code; emergency communication equipment.** Requires all new commercial, industrial, institutional, and multifamily buildings to be constructed or equipped so that emergency public safety personnel may send and receive emergency communications from within the building. Currently, the Board of Housing and Community Development is directed to promulgate regulations as part of the Statewide Building Code to require that commercial, industrial, and multifamily structures be so designed or equipped.

*Patron - Ebbin*

**HB2639 Redevelopment and Housing Authority.** Provides that at least 75% of the commissioners of a Redevelopment and Housing Authority shall be persons who are not members of a local governing body.

*Patron - Gear*

**HB2743 Department of Housing and Community Development; rental assistance pilot project.** Requires the Department of Housing and Community Development to establish a three-year rental assistance pilot project, and to report its findings and recommendations to the Governor and the Housing Commission.

*Patron - Englin*

**HB2744 Fair housing law; unlawful discriminatory housing practice.** Adds source of income to the list of unlawful discriminatory housing practices. The bill defines source of income as any lawful income used by a person to meet his obligation to pay for the purchase or lease of a dwelling, including payment with (i) federal funds received pursuant to public housing or Section 8 programs of the United States Housing Act of 1937, as amended, (ii) funds received from assistance made available under Chapter 1.2 (§ 36-55.26 et

seq.) of Title 36, or (iii) proceeds from a bequest, life insurance policy, annuity, or other like source. The bill contains technical amendments.

*Patron - Englin*

**FSB846 Uniform Statewide Building Code; adoption by localities of residential rental inspection districts.** Requires localities to adopt an ordinance establishing a rental inspection district or districts that encompass any area of the locality where 30% or more of the available residential rental dwelling units are located in structures that were built before 1950.

*Patron - Lambert*

**FSB966 Virginia Housing Partnership Trust Fund; dedicating unreserved general fund balances.** Changes the name of the Virginia Housing Partnership Revolving Trust Fund to the Virginia Housing Trust Fund. The bill provides for 10% of the annual general fund revenue collections that are in excess of the official estimates in the general appropriation act and 10% of any unreserved general fund balance at the close of each fiscal year whose reappropriation is not required in the general appropriation act to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

*Patron - Whipple*

**FSB967 Virginia Housing Trust Fund; dedicating recordation tax revenues.** Changes the name of the Virginia Housing Partnership Revolving Trust Fund to the Virginia Housing Trust Fund. The bill provides for \$0.02 of the recordation tax to be transferred to the Fund. The bill also provides that a portion of the Fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

*Patron - Whipple*

**FSB1053 Uniform Statewide Building Code; regulations; authority of localities; historic districts.** Requires the Board of Housing and Community Development to promulgate regulations as part of the Building Code that authorize a locality to require building permits for the installation of replacement siding, roofing, and windows in buildings within designated historic zoning districts within the locality.

*Patron - Edwards*

**FSB1411 Fees imposed on new residential development.** Provides that every local building department shall assess and impose a fee for its issuance of a final certificate of occupancy for any residential building or any residential structure that is situated within a new development. Each fee shall be charged to and collected from the developer of such building. If the sales price of the residential building or structure is \$200,000 or more, then the fee shall be 1.25% of such sales

price or 1.25% of the actual value of the building or structure, whichever is greater. If the sales price of the residential building or structure is less than \$200,000, then the fee shall be 0.75% of the sales price or 0.75% of the actual value of the building or structure, whichever is greater. The local building department shall deposit any fee collected into the Transportation Trust Fund to be used, within three years, for transportation projects in the construction district that embraces the locality served by the local building department. Several enactment clauses sunset the provisions of this bill. This bill was incorporated into SB 1268.

*Patron - Cuccinelli*

## Institutions for the Mentally Ill; Mental Health Generally

Passed

**PHB2036 Involuntary admission hearings; examination providers.** Adds community service boards and behavioral health authorities to the list of facilities by which an examiner may be employed.

*Patron - Hamilton*

**PHB2671 Sexually violent predators; civil commitment.** Adds the following as sexually violent offenses which qualify a prisoner or incompetent defendant to be evaluated for civil commitment: capital murder in the commission of, or subsequent to a rape or attempted rape, sodomy or forcible sodomy or object sexual penetration, capital murder in the commission of an abduction committed with intent to defile the victim, and first and second degree murder when the killing was in the commission of, or attempt to commit rape, forcible sodomy, or object sexual penetration. The bill also provides that certain provisions regarding the identification, and assessment for filing a petition for commitment are procedural and not substantive or jurisdictional, and that absent gross negligence or willful misconduct it shall be presumed that there has been substantial compliance with the provisions. Allows the CRC 120 instead of 90 days after receiving the name of an individual eligible to be evaluated for civil commitment to complete its assessment and submit its recommendation to the Attorney General and revises the CRC's criteria for assessment and provides that a quorum is four members rather than five members. The bill grants access to a variety of records to the Department of Mental Health, the CRC, and the Department of Corrections and provides that the existence of prior convictions or charges may be shown with affidavits or documentary evidence at the probable cause hearing.

*Patron - Griffith*

**PHB2678 Opiate addiction treatment center; closed on Sunday.** Provides that no provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements shall be required to conduct, maintain or operate services for the treatment of persons with opiate addiction through the use of methadone or other opioid replacements on Sunday except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth. Requires that the Department of Health shall develop guidelines or regulations to ensure the appropriate health, welfare and safety of consumers and the security of take-home doses.

*Patron - Ware, O.*

**HB2955 Mental health; temporary detention orders.** Requires a magistrate issuing a temporary detention order to consider the recommendations of any treating or examining physician licensed in Virginia, if available, prior to rendering a decision.

*Patron - Bell*

**HB2962 Life-sharing communities.** Defines a life-sharing community as a residential setting with therapeutic activities for persons with developmental disabilities and establishes criteria for the licensing and inspection of such communities by the Department of Social Services.

*Patron - Bell*

**HB3177 Conservator; requirements for sale of real estate.** Provides that, prior to the conveyance of real estate, the court may require that a conservator of a person deemed incapacitated use a common source information company, as defined in § 54.1-2130, when listing the property for sale.

*Patron - Ebbin*

**SB890 Involuntary mental health commitment; custody orders.** Allows an emergency or temporary custody order to include transportation to a medical facility for a medical evaluation if required by a physician at the hospital to which the person is being transported.

*Patron - Deeds*

**SB1186 Community services board members; terms of office.** Authorizes the governing body of a city or county to reappoint a member of a community services board after a three-year period has elapsed since the end of the member's last three-year term.

*Patron - Blevins*

**SB1203 Sexually violent predators; civil commitment.** Provides that the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Attorney General's Office shall examine, as possible components of conditional release of civilly committed sexual violent predators, the feasibility of the use of physical castration as a treatment option and the use of residential housing facilities, operated by the Commonwealth or by private providers contracted with the Commonwealth on property owned by the Commonwealth, and shall report the results of the examination to the Governor and the General Assembly by December 1, 2008.

*Patron - Hanger*

## Failed

**HB1633 Providers of mental health, mental retardation, and substance abuse services; retaliatory actions.** Prohibits a group home or residential facility licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services from retaliating or discriminating against any person who in good faith complains or provides information to or cooperates with the Department, or reports a violation that adversely affects the human rights of consumers or poses an imminent and substantial threat to the health, safety, or welfare of consumers.

*Patron - Morgan*

**HB1792 Civil commitment of sexually violent predators; bestiality.** Provides that a conviction for carnally knowing a brute animal qualifies a person as a sexually violent predator eligible to be evaluated for civil commitment.

*Patron - Griffith*

**HB1904 Mental health; outpatient treatment orders.** Changes the first criterion for outpatient treatment orders to include failure to properly take medication that has been previously prescribed, when such failure will likely cause the person to present an imminent danger to himself or others, or to be so seriously mentally ill as to be substantially unable to care for himself.

*Patron - Albo*

**HB2474 Involuntary commitment; transportation.** Provides that if the law-enforcement agency designated in a temporary detention order to provide transportation is a town agency and there is no town officer reasonably available to transport the person, the magistrate shall specify in the order that the county police department or sheriff provide the transportation.

*Patron - Crockett-Stark*

**HB2636 DMHMRSAS; pilot program for older adults with mental illness; report.** Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a two-year pilot program to provide specialized services for older adults (age 65 and older) who have serious mental illness. The bill sets forth program requirements and objectives, and includes evaluation criteria. The bill requires both interim and final reports.

*Patron - Watts*

**HB2672 Sexually violent predators; civil commitment.** Provides that any prisoner convicted of a sexually violent offense will be referred to the Commitment Review Committee to be evaluated for civil commitment if he scores a minimum of four on the Static-99. Under current law, prisoners convicted of certain offenses (statutory rape, sodomy or object sexual penetration with child under age 13, and aggravated sexual battery with child under age 13 who suffered physical injury) are referred with a score of four, and the remainder are referred with a five. The bill also provides that certain provisions regarding the identification, review, and preparation for filing a petition for commitment are procedural and not substantive or jurisdictional and that absent gross negligence or willful misconduct, failure to comply is not a basis upon which a court can deny civil commitment or conditional release.

*Patron - Griffith*

**HB2721 Background checks; providers licensed by DMHMRSAS.** Allows a provider licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for compensation a person who has been convicted of not more than one offense of assault and battery of a police officer under § 18.2-57, or an equivalent offense in another state, if (i) more than five years have elapsed since the conviction and (ii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to consumers based on his criminal background check and his substance abuse history.

*Patron - Carrico*

**SB763 Mental health; outpatient treatment orders.** Changes the criteria for ordering outpatient mental health treatment rather than involuntary inpatient treatment. Strikes the requirement that a person be found to be a danger to himself or others and instead requires a finding that assisted outpatient treatment will be sufficient to prevent him from harming himself or others.

*Patron - Cuccinelli*

**SB780 Involuntary temporary detention; issuance and execution of order.** Modifies one element of the legal standard for involuntary commitment by changing the requirement that individuals present an "imminent danger" to a requirement that individuals present a "significant risk." Emphasizes criteria required for involuntary commitment as found in prior records of treatment and noncompliance with treatment, and demonstrated in reports of witnesses, family members, physicians, or mental health professionals.

*Patron - Cuccinelli*

**SB808 Mental health; assisted outpatient treatment.** Establishes a program of assisted outpatient treatment for the severely mentally ill. The bill authorizes assisted outpatient treatment only for persons previously hospitalized due to noncompliance with prescribed psychiatric treatment. The bill requires that a specific written treatment plan be prepared by the community services board that gives consideration to the treatment preferences of the individual and explicitly bars the forcible administration of medication. The bill also authorizes law-enforcement personnel to transport the individual to a treatment facility for evaluation by a treatment provider and to ensure compliance with the treatment order only when the individual has substantially failed to comply with the treatment plan without good cause, and only for a 48-hour period, including transportation time. The bill limits the duration of the court order to 180 days or less, and provides the person with procedural protections, including the right to an adversary hearing, the right to counsel, the right to an appeal, and the right to a jury trial on appeal.

*Patron - Marsh*

**SB856 Background checks; providers licensed by DMHMRSAS.** Allows a provider licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for compensation a person who has been convicted of not more than one offense of assault and battery of a police officer under § 18.2-57, or an equivalent offense in another state, if (i) more than five years have elapsed since the conviction, (ii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to consumers based on his criminal history background and his substance abuse history, and (iii) the law-enforcement agency employing the officer provides a supporting statement relating to the conviction.

*Patron - Reynolds*

**SB981 Involuntary commitment; transportation.** Provides that if the law-enforcement agency designated in a temporary detention order to provide transportation is a town agency and there is no town officer reasonably available to transport the person the magistrate shall specify in the order that the county police department or sheriff provide the transportation.

*Patron - Edwards*

**SB996 Review of application for federal funds or services used in substance abuse programs.** Exempts applications by local governments for federal funding or services used in substance abuse programs from certain administrative requirements.

*Patron - Blevins*

**SB1052 Emergency custody order; issuance and execution.** Authorizes sheriffs and sheriffs' deputies to execute emergency custody orders.

*Patron - Edwards*

**SB1347 Guardian ad litem; evaluation for appointment.** Provides that the subject of a petition for appointment of a guardian ad litem must be examined by a physician or psychologist before a guardian is appointed.

*Patron - Ruff*

## Insurance

### Passed

**HB1622 Group accident and sickness insurance; student medical leaves of absence.** Requires that coverage under a health insurance policy for a dependent child who is enrolled as a full-time student shall continue in force for up to 12 months from the date the child ceases to be a full-time student if the child is unable to continue as a full-time student due to a medical condition. The child's treating physician must certify when the child withdraws from school that the absence is medically necessary. The measure applies only to covered children under age 25.

*Patron - Alexander*

**HB1957 Insurance consultants; contracts.** Requires those consultants that do not sell, solicit or negotiate insurance to enter into a written contract with clients prior to acting as a consultant. Consultants that sell, solicit or negotiate insurance will be required to enter into a written contract with clients before they purchase insurance. Currently, all consultants are required to enter into a written contract with clients prior to taking any action as a consultant.

*Patron - Hargrove*

**HB2001 Life insurance; insurable interest requirement.** Clarifies that the provisions addressing when a trustee has an insurable interest in a life insurance policy are to be applied whether the policy was owned by a trustee before, on, or after July 1, 2005, which is the effective date of the legislation that enacted such provisions. The measure also provides that the 2005 legislation was intended to permit charitable organizations that satisfied the criteria set out in the criteria of that law to continue to acquire charitable certificates after July 1, 2005.

*Patron - Kilgore*

**HB2351 Virginia Life, Accident and Sickness Insurance Guaranty Association.** Provides that a maximum of \$250,000 in the present value of annuity benefits is to be considered in calculating the maximum amount of the contractual obligations for which the Virginia Life, Accident and Sickness Insurance Guaranty Association may become liable with respect to any one life. To qualify, an annuity shall be established and maintained as an individual retirement account, Section 457 Plan account, defined contribution plan account, or Keogh Plan account. The measure responds to recent FDIC rules that provide up to \$250,000 of protection for bank deposits and accounts utilized for certain self-directed individual retirement accounts. The measure also increases the maximum amount that the Association may be liable to expend in the aggregate with respect to any one individual from \$300,000 to \$350,000.

*Patron - Tata*

**HB2394 Insurance companies; confidentiality of analyses.** Provides that regulatory analyses, financial analyses, and examination synopses, including working papers, concerning insurance companies or insurance transactions that are sub-

mitted to the Commission by the National Association of Insurance Commissioners shall be kept confidential. These confidentiality requirements are made applicable to health maintenance organizations.

*Patron - Nixon*

**HB3016 Insurance agents; license termination.** Repeals a provision that directs the automatic termination of an insurance agent's license for failure to hold at least one active appointment within 183 calendar days from the date of issuance of the insurance license or the cancellation by an insurer of an agent's only appointment.

*Patron - Hargrove*

**HB3055 Miscellaneous casualty insurance; burglary and theft insurance.** Authorizes miscellaneous casualty insurance and burglary and theft insurance policies to include appropriate provisions obligating the insurer to pay medical, hospital, surgical, and funeral expenses arising out of the death, dismemberment, sickness, or injury of any person, and death and dismemberment benefits in the event of death or dismemberment, if the death, dismemberment, sickness, or injury is caused by or is incidental to a cause of loss insured under the policy.

*Patron - Purkey*

**HB3137 Expedited review of final adverse health coverage decisions.** Requires the Commissioner of Insurance or his designee to issue a final ruling no later than one business day following the receipt of the impartial health entity's recommendation if the regular process for the issuance of a ruling will delay the rendering of treatment for a patient whose condition would be terminal without the treatment. Currently, the commissioner has 10 working days to issue his final ruling. The utilization review entity is required to comply with the Commissioner's ruling within three business days of receipt of an expedited ruling. The State Corporation Commission is required to promulgate regulations regarding expedited consideration of appeals in cases involving a terminal condition.

*Patron - Fralin*

**SB1084 Pharmacy benefits management.** Requires every contract for pharmacy benefits management to provide that payment for clean claims submitted electronically by participating pharmacies be paid electronically if the claim is required to be submitted electronically, the claim is in the form required by the payor, the pharmacy agrees to accept payments electronically, and the pharmacy provides accurate electronic funds transfer information. The measure will become effective if reenacted by the 2008 Session of the General Assembly.

*Patron - Puckett*

**SB1113 Surplus lines insurance.** Clarifies that an alien insurer cannot be approved as a surplus lines carrier unless it maintains at least \$2.5 million in an irrevocable trust fund, in addition to capital and surplus requirements. Other provisions address the authority of the Commission to deem the capital and surplus requirements to be satisfied by an unlicensed insurer possessing less than that amount. The measure clarifies that the reporting date is March 1 unless the insurer's home state establishes a later date and makes several technical changes.

*Patron - Miller*

**SB1303 Health maintenance organizations; conversions.** Establishes a procedure by which a health maintenance organization may convert, without reincorporating, to an accident and sickness insurer.

*Patron - Newman*

**SB1317 Insurance; risk-based capital.** Corrects an erroneous cross-reference regarding the definition of adjusted risk-based capital reports. The measure also clarifies that negative trend, in the context of a life and health insurer, is determined in accordance with the trend test calculation included in the life insurance risk-based capital instructions. Finally, provisions regarding the trend test for property and casualty insurers are added.

*Patron - Colgan*

## Failed

**HB1954 Pharmacy benefits managers.** Establishes requirements for the regulation of pharmacy benefits managers within the Commonwealth. The measure provides that a pharmacy benefits manager owes a fiduciary duty to an entity providing health coverage, and requires a pharmacy benefits manager to perform its duties with care, skill, prudence, and diligence and in accordance with the standards of conduct applicable to a fiduciary in an enterprise of a like character and with like aims. In addition, it establishes requirements for prompt payment of claims and disclosures and other contractual provisions in agreements between pharmacy benefits managers and pharmacy providers.

*Patron - Morgan*

**HB1958 Insurance continuing education board; membership.** Increases the size of the insurance continuing education board from 12 to 14 persons. The two new members may be appointed without regard to their affiliation with any insurance entity.

*Patron - Hargrove*

**HB1975 Health insurance; mandated coverage for CyberKnife procedures.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of procedures utilizing CyberKnife or a like noninvasive radiosurgery technology that uses an image guided localization system to locate the position of a tumor and deliver concentrated and accurate beams of radiation to targets for the treatment of cancerous tumors.

*Patron - Fralin*

**HB1994 Title insurance; settlement subsidies.** Authorizes a title insurance company, title insurance agency, or agent to pay to a settlement agent a portion of the premium that is payable on a title insurance policy purchased by the purchaser or borrower in the real estate transaction, where the payment is used to subsidize the costs of the escrow, closing or settlement services.

*Patron - Suit*

**HB2120 Small Employer Health Insurance Exchange.** Creates the Small Employer Health Insurance Exchange as a nonprofit legal entity and charges it with providing a single, centralized market, analogous to a stock exchange, to facilitate the buying and selling of health insurance for employers with 100 or fewer employees. Employers may designate the exchange as their group health insurance plan for purposes of federal law and may allow employees to purchase health insurance coverage through the Exchange. The Exchange will offer an annual open season during which participants could select or switch coverage. After the first day of the plan year following the first regular open season conducted by the Exchange, no carrier may issue or renew a group health benefit plan for employers with 100 or fewer employees, other than through the Exchange.

*Patron - Marshall, R.G.*

**HB2121 Virginia Health Insurance Exchange.** Creates the Virginia Health Insurance Exchange as a nonprofit legal entity and charges it with providing a single, centralized system to facilitate the buying and selling of health insurance. Employers may designate the exchange as their group health insurance plan for purposes of federal regulation and tax law and allow employees to purchase health insurance coverage through the Exchange. The Exchange would offer an annual open season during which participants could select or switch coverage. The Commonwealth is directed to enter into an agreement with the Exchange to be the sponsor of a participating employer plan on behalf of current and retired state employees. After the first day of the plan year following the first regular open season conducted by the Exchange, no carrier may issue or renew an individual or small employer group health benefit plan, other than through the Exchange. Effective January 1, 2009, individuals are required to shall offer proof of their ability to pay for medical care for themselves and their dependents by either having insurance coverage or posting a \$10,000 bond or letter of credit.

*Patron - Marshall, R.G.*

**HB2122 Virginia Health Reinsurance Pool Act.** Establishes the Virginia Health Insurance Risk Transfer Plan as a nonstock corporation, and every health insurance carrier writing health insurance in the Commonwealth, except Medicaid-only health maintenance organizations and certain other carriers, shall be a member. Self-funded health insurance plans may also become members, provided that, if they join the pool, they are required to remain liable for Pool assessments for three years after withdrawing from the Plan. Voting power is allocated based on the number of covered individuals, provided members will have no more than 49% of the voting power. The Plan is directed to submit to the Commissioner of Insurance a proposed plan of operation that provides for the creation of a reinsurance pool. Members may cede risk to the reinsurance pool. Plan members ceding a risk to the Pool shall pay the Pool a premium determined by the rules governing the Pool.

*Patron - Marshall, R.G.*

**HB2149 Individual health insurance policies; Medicare coverage.** Requires any individual health insurance policy that is issued for delivery, or renewed on or after July 1, 2007, to include a notice stating whether the policy provides coverage for all medical treatments that are covered under Medicare Parts A and B.

*Patron - Fralin*

**HB2156 Health insurance; mandated coverage for evaluations of brain tumors.** Requires health insurers, health maintenance organizations, and corporations providing health-care coverage subscription contracts to provide coverage for a second opinion evaluation, at a medical center designated by the National Cancer Institute as a comprehensive cancer center, of a brain tumor that has been diagnosed as a primary malignant brain tumor.

*Patron - O'Bannon*

**HB2426 Health insurance; coverage for bone marrow transplants.** Repeals the provision that has required health insurers, health care subscription plans, and health maintenance organizations to offer and make available coverage for the treatment of breast cancer by dose-intensive chemotherapy/autologous bone marrow transplants or stem cell transplants.

*Patron - Byron*

**HB2447 Health insurance; mandated coverage for enteral formulas necessitated by inborn metabolic disorders.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage, under a policy, contract, or plan that provides prescription drug coverage, for enteral formulas, including modified solid food products, necessitated by inborn metabolic disorders. The coverage for modified solid food products is limited to \$5,000 in any year.

*Patron - Frederick*

**HB2492 Licensing of insurance agents.** Requires that applicants for insurance licensure submit fingerprints for a criminal history records check. The bill also allows any current or former law-enforcement officer applying for a license to provide an alternative address for purposes of service of process.

*Patron - Albo*

**HB2543 Motor vehicle repair labor rates; survey; report.** Requires the State Corporation Commission to conduct quarterly surveys of a sample of motor vehicle repair facilities in the Commonwealth to collect information regarding their hourly labor rates for body repair work. The results, including information for each Department of Transportation Regional Districts, shall be available to the public and posted to the Bureau of Insurance website. No person shall be required to pay rates for body repair work based on the results of the surveys.

*Patron - Lingamfelter*

**HB2562 Joint payment of health insurance claims.** Requires every health insurer, health services plan, or health maintenance organization, when paying a claim for services rendered by a health care provider that does not participate in the provider panel, to pay the claim by sending a check made payable to both the insured, subscriber, or member and to the nonparticipating health services provider.

*Patron - Ware, R.L.*

**HB2635 Special Advisory Commission on Mandated Health Insurance Benefits.** Abolishes the Special Advisory Commission on Mandated Health Insurance Benefits.

*Patron - Reid*

**HB2683 Motor vehicle insurance; premiums based on credit.** Prohibits insurers from setting rates for motor vehicle insurance on the basis of a person's credit history or credit score.

*Patron - Frederick*

**HB2792 Insurable interest in life insurance policies; void.** Clarifies that a trustee has an insurable interest in a life insurance policy and makes the same retroactive.

*Patron - Lohr*

**HB2877 Health insurance; mandated coverage for human papillomavirus vaccinations.** Requires health insurers, healthcare subscription plans, and health maintenance organizations to provide coverage for the cost of human papillomavirus vaccinations for women in accordance with recommendations of the Center for Disease Control's Advisory Committee on Immunization Practices.

*Patron - McEachin*

**HB2887 Insurance; use of credit history.** Prohibits insurers and agents from setting rates or making policy issuance and renewal decisions for motor vehicle insurance, homeowners insurance, and renters insurance on the basis of a person's credit history, lack of credit history, or credit score.

*Patron - Phillips*

**HB2908 Motor vehicle insurance; rate increases.** Prohibits a motor vehicle insurer from increasing the premium for renewal of a policy of motor vehicle insurance as a result of any claim made under the policy due to an accident for which the insured was neither wholly nor partially at fault.

*Patron - Spruill*

**HB2949 Health insurance; mandated coverage for treatment by intensity modulated radiation therapy.** Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for the treatment by intensity modulated radiation therapy of tumors when such treatment is performed pursuant to protocol dose volume constraints approved by the institutional review board of any United States medical teaching college or the National Cancer Institute. The requirement for coverage applies only if the patient resides within a medically underserved area of the Commonwealth.

*Patron - Wittman*

**HB3035 Insurance; unfair claims settlement practices.** Provides that the unfair insurance claim settlement practices identified in current law apply to uninsured and underinsured motorist claims presented to the insurer whether such claims are presented before or after judgment against the uninsured or underinsured tortfeasor.

*Patron - Nixon*

**HB3042 Fire Programs Fund.** Increases the assessment on certain property and casualty insurers for the Fire Programs Fund from one percent to two percent of their total direct gross premium income.

*Patron - BaCote*

**HB3160 Health insurance; policies to protect the uninsured.** Authorizes health insurers, health plans, and health maintenance organizations to offer "Protect the Uninsured" (PTU) policies. PTU policies may be sold to small employers with no more than 50 employees, to provide coverage for their employees who have been uninsured for the preceding six months. The coverage provided under a PTU policy will be determined at the discretion of the health insurer issuing the policy, and specifically is not required to include state-mandated health benefits.

*Patron - Marshall, D.W.*

**SB774 Birth-Related Neurological Injury Compensation Program; board of directors.** Increases the number of members of the board of directors of the Birth-Related Neurological Injury Compensation Program from seven to eight and directs that one member shall be the parent of an infant who is a claimant and has been awarded benefits under the Act.

*Patron - Cuccinelli*

**SB931 Health insurance; mandated coverage for prosthetic devices and components.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of prosthetic devices and components, if the treating physician certifies the medical necessity of the prosthetic device and component as a proposed course of treatment. The coverage shall, at a minimum, equal the coverage provided under provisions of the federal Medicare program.

*Patron - Ticer*

**SB991 Health insurance; coverage for bone marrow transplants.** Repeals the provision that requires health insurers, health care subscription plans, and health maintenance

organizations to offer and make available coverage for the treatment of breast cancer by dose-intensive chemotherapy/autologous bone marrow transplants. The existing requirement that health insurers, health care subscription plans, and health maintenance organizations offer and make available coverage for the treatment of breast cancer by stem cell transplants is unchanged.

*Patron - Blevins*

**SB1336 Health insurance; accurate utilization data.** Requires a health insurance issuer offering group health insurance coverage to provide an employer with correct data regarding the utilization of benefits and services by covered individuals. A health insurance issuer that fails to provide correct data to an employer is liable to the employer for an amount equal to 25% of the annual premium for a first violation and 50% for a second or subsequent violation.

*Patron - Ruff*

## Labor and Employment

### Passed

**HB2334 Child labor; certain employment prohibited; farm wineries.** Allows a child under the age of 18 years to work at a licensed Virginia farm winery provided the child does not serve or dispense in any manner alcoholic beverages.

*Patron - Gilbert*

**HB2738 Minimum wage; definition of employee.** Repeals the existing exclusion for persons who have reached age 65 from the definition of an employee under the Virginia Minimum Wage Act. This bill is identical to SB 758.

*Patron - Englin*

**HB2783 Child labor offenses; civil penalties.** Increases the civil penalty that may be assessed against a person who employs, procures or permits a child to be employed, or issues an employment certificate, in violation of child labor laws, when the violation results in the employment of a child who is seriously injured or who dies in the course of that employment, from \$1,000 to \$10,000. For violations not involving the death or serious injury of a child, the maximum civil penalty remains \$1,000.

*Patron - Morgan*

**HB3132 Employment; leave for crime victims to attend criminal proceedings.** Requires employers to allow an employee who is a victim of a crime to leave work, without compensation, to exercise his right to be present at criminal proceedings relating to the crime. An employer may limit the leave if it creates an undue hardship. Employers are prohibited from dismissing or otherwise discriminating against an employee who is a victim of a crime because he exercises the right to leave work.

*Patron - Moran*

**SB758 Minimum wage; definition of employee.** Repeals the existing exclusion for persons who have reached age 65 from the definition of an employee under the Virginia Minimum Wage Act. This bill is identical to HB 2738.

*Patron - Stosch*

## Failed

**HB1634 Minimum wage.** Increases the minimum wage for persons age 19 or older from its current federally mandated level of \$5.15 per hour to \$6.00 per hour effective July 1, 2007, to \$6.45 per hour effective July 1, 2008, and to \$7.00 per hour effective July 1, 2009, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

*Patron - Marshall, D.W.*

**HB1651 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, and to \$7.15 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

*Patron - Eisenberg*

**HB1654 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.25 per hour effective July 1, 2007, and to \$7.00 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

*Patron - Toscano*

**HB1906 Unfair employment practices; discharging employees when unauthorized aliens are employed.** States that it is an unfair employment practice for an employer to discharge any United States citizen or legally authorized worker if the employer, on the date of the discharge, employed an unauthorized alien within the Commonwealth. Employers that are enrolled and participate in the federal Basic Pilot Program, or are exempt from compliance with federal employment verification procedures under federal law, are not subject to this measure. Someone discharged in violation of this unfair employment practice is entitled to recover treble damages, including lost wages from the date of the discharge until the date the employee has procured new employment, or 120 days, whichever occurs earlier, and reasonable attorney's fees and costs. This bill was incorporated into HB 2687.

*Patron - Albo*

**HB1947 Hospital-Emergency Treatment Reimbursement Fund.** Requires employers to withhold from wages payable to employees who are not covered by a health insurance policy an amount equal to five percent of their wages. The withheld moneys are to be remitted to the State Corporation Commission, which will allocate the funds among the licensed hospitals that have provided emergency care for which they have not been paid, based on the ratio of each hospital's unpaid costs to the statewide total. The Health Commissioner is required to collect information from licensed hospitals regarding the amount of their unpaid emergency care. Only hospitals that provide the requested data are eligible to receive distributions from the Fund.

*Patron - Purkey*

**HB2004 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007; to \$7.15 per hour effective July 1, 2008; and to \$8.15 per hour effective July 1, 2009. For subsequent years, the minimum wage will be adjusted annually on July 1 to reflect changes in the Consumer Price Index for the preceding calendar year, as determined by the Commissioner of Labor and Industry.

*Patron - Callahan*

**HB2217 Commissioner of Labor and Industry; reporting suspected employment misclassification and fraud.** Requires the Commissioner of Labor and Industry to

establish and maintain a toll-free telephone number and make available paper forms and on-line electronic forms that may be used by persons to report suspected instances of misclassification of employees as independent contractors. The hotline and forms are also to be used to report suspected instances of workers' compensation insurance fraud and unemployment tax fraud. The Commissioner is required to forward reports of suspected instances of misclassification or fraud to the Insurance Fraud Investigation Unit of the Virginia State Police, the Virginia Employment Commission, or both, as appropriate, for their investigation.

*Patron - Amundson*

**HB2328 Verification of employment eligibility through Basic Pilot Program; penalty.** Makes it unlawful for an employer to fail to confirm, through the Basic Pilot Program of the U.S. Department of Homeland Security, the employment eligibility of a job applicant. A violation is a Class 1 misdemeanor.

*Patron - Gilbert*

**HB2508 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$5.85 per hour effective July 1, 2007, to \$6.55 per hour effective July 1, 2008, and to \$7.25 per hour effective July 1, 2009, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

*Patron - Jones, D.C.*

**HB2605 Document verification for employment of illegal immigrants; penalty.** Makes it a Class 1 misdemeanor to falsely represent that an alien worker has documentation indicating that he is legally eligible for employment. The measure amends the existing prohibition on employing such aliens to provide that it is unlawful to continue employing such person who cannot provide the required documentation of eligibility. Each day of continued unlawful employment of each alien constitutes a separate civil offense punishable by a \$100 civil penalty.

*Patron - Watts*

**HB2687 Unfair employment practices; discharging employees when unauthorized aliens are employed.** States that it is an unfair employment practice for an employer to knowingly employ any unauthorized alien within the Commonwealth. An employee who is replaced by his employer with an unauthorized alien shall have a cause of action against his employer on or after July 1, 2007. Employers that are enrolled and participate in the federal Basic Pilot Program, are exempt from compliance with federal employment verification procedures under federal law, or have obtained certain employment eligibility verification documentation, are not subject to this measure. Someone discharged in violation of this unfair employment practice is entitled to recover treble damages, including lost wages from the date of the discharge until the date the employee has procured new employment, or 120 days, whichever occurs earlier, and reasonable attorney's fees and costs. This bill incorporates HB 1906.

*Patron - Reid*

**HB2725 Occupational safety and health program for public employees.** Authorizes the Safety and Health Codes Board to establish regulations and procedures for enforcing the occupational health and safety program that the Commissioner of Labor and Industry establishes for employees of the Commonwealth or any public body. Currently, only the Commissioner is authorized to establish procedures for enforcing the program. The measure also provides that the regulations and

procedures shall include provisions addressing penalties to be assessed for violations.

*Patron - McClellan*

**HB2849 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, and to \$7.25 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

*Patron - Moran*

**HB2873 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$7.25 per hour effective July 1, 2007, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

*Patron - McEachin*

**HB3054 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, and to \$7.25 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act. The measure also repeals the existing exclusion for persons who have reached age 65 from the definition of an employee under the Virginia Minimum Wage Act.

*Patron - Jones, D.C.*

**SB766 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, unless a higher minimum wage is required by the federal Fair Labor Standards Act. This bill was incorporated into SB 1327.

*Patron - Locke*

**SB1073 Occupational health and safety; penalty for violations.** Requires that an employer cited for a serious violation of the occupational safety or health provisions of Title 40.1 shall be assessed a civil penalty of \$25,000, if the violation is determined to have caused or contributed to the death of an employee.

*Patron - Miller*

**SB1277 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, and to \$7.25 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act. This bill was incorporated into SB 1327.

*Patron - Whipple*

**SB1327 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.50 per hour effective July 1, 2007, unless a higher minimum wage is required by the federal Fair Labor Standards Act. The act will expire at such time as the federal minimum wage equals or exceeds \$6.50 per hour. This bill incorporates SB 766 and SB 1277.

*Patron - Colgan*

**SB1354 Occupational safety and health; civil penalties.** Prevents the Commissioner of Labor and Industry from assessing civil penalties on an employer for a cited violation of occupational safety and health standards until (i) the Safety and Health Codes Board has designated the occupation as a hazardous occupation and (ii) the employer has received written notice of the designation. Any designation of an occupation as hazardous shall be based upon the federal Occupational Safety

and Health Administration's determinations of the highest hazard industries.

*Patron - Wagner*

## Libraries

### Passed

**HB2197 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, installing and activating 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 policy to include a provision for disabling the technology protection measure at the request of a patron in instances of bona fide research or other lawful purposes. This bill is identical to SB 1393.

*Patron - Nixon*

**SB1393 Technology protection measures; public libraries.** Requires the library board or governing body of a local library to include in its acceptable use policy for the Internet provisions for the selection, installation and activation of a technology protection measure on computers that have Internet access and that are accessible to the public 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 policy to include a provision for disabling or bypassing the technology protection measure at the request of a patron in instances of bona fide research or other lawful purposes. In addition, the bill provides that no state funding shall be withheld and no other adverse action taken against a library by the Librarian of Virginia or any other official of state government when the technology protection measure fails, provided that such library promptly has taken reasonable steps to rectify and prevent such failures in the future.

*Patron - Stosch*

### Failed

**HB2770 Virginia Public Records Act; disposition of public records.** Gives agencies the discretion to destroy or discard records created after July 1, 2006, that are authorized to be destroyed or discarded under the Virginia Public Records Act. Currently, agencies are required to destroy or discard such records upon the expiration of the applicable retention schedule.

*Patron - Hurt*

## Mechanics' and Certain Other Liens

### Passed

**HB2579 Mechanic's lien; required statements.** Adds a certification of mailing to § 43-5, the statutory form for

a memorandum for mechanic's lien claimed by a general contractor. This bill also adds a statement to the statutory mechanic's lien forms for general contractors, subcontractors (§ 43-8), and sub-subcontractors (§ 43-10) that provides that it is the intent of the claimant submitting the form to claim the benefit of a lien. These statements and the certification are required to be in a mechanic's lien memorandum under § 43-4.

*Patron - Janis*

**HB2580 Mechanic's liens; certification of mailing.** Clarifies that subcontractors and sub-subcontractors are not subject to the same requirement as are general contractors to file along with a memorandum of lien a certification of mailing of a copy of the memorandum of lien on the owner of the property at the owner's last known address.

*Patron - Janis*

## Failed

**SB1022 Mechanic's lien; notice.** Provides that the claimant of a mechanic's lien, including both general contractors and subcontractors, shall send written notice of the recording of the lien by first class mail to the owner of the property subject to the lien at the owner's last known address. The lien claimant shall also provide to the clerk, in whose office the memorandum of lien is filed, a copy of the written notice mailed to the property owner and shall certify to the clerk that the notice was mailed to the property owner. The bill also provides that all persons are deemed to have notice of the lien from the time of recording and indexing of the lien or from the time of mailing, whichever occurs last. Current law only requires that, at the time the memorandum of lien is filed with the clerk, a lien claimant who is a general contractor file a certification that a copy of the memorandum of lien was mailed to the property owner at the owner's last known address.

*Patron - Whipple*

## Military and Emergency Laws

### Passed

**HB2654 Department of Military Affairs; duties.** Establishes specific duties and functions to be carried out by the Department of Military Affairs. The bill is identical to SB 1184.

*Patron - Lingamfelter*

**HB2726 Review of certain emergency plans by localities.** Grants authority to localities to require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers that are located within the locality.

*Patron - McClellan*

**HB2809 Virginia National Guard; employment protection.** Extends the employment protections for service in state duty to service under Title 32 of the United States Code. Upon return to duty, a guardsman would have 14 days to make written application to his previous employer for reemployment. The Code currently requires such application to be made within five days. In addition, the bill would add attorney fees and costs to the damages recoverable for violation of these employment provisions. The bill is identical to SB 1309.

*Patron - Tyler*

**HB3015 Virginia Military Family Relief Fund; assistance after active duty.** Provides that funds from the Virginia Military Family Relief Fund may be provided to a service member or his family from the date of entry into active duty until 180 days after release from active duty. This bill is identical to SB 1046.

*Patron - Johnson*

**HB3048 Local emergency management plans.** Requires every local and interjurisdictional agency to review and update its emergency operations plan every four years. The updated plan must be formally approved by the locality's governing body. The bill is identical to SB 1318.

*Patron - Miller, P.J.*

**SB787 Emergency preparedness; animal protection.** Requires the Department of Emergency Management to develop an emergency response plan to address the needs of animals in an emergency and to assist localities in developing their own emergency response plans.

*Patron - Stosch*

**SB906 Officers of militia; Massanutten Military Academy.** Adds the officers of the Massanutten Military Academy in Woodstock, Virginia, to the list of those officers recognized as commissioned officers of the unorganized Virginia militia.

*Patron - Obenshain*

**SB1046 Virginia Military Family Relief Fund; assistance after active duty.** Provides that funds from the Virginia Military Family Relief Fund may be provided to a service member or his family from the date of entry into active duty until 180 days after release from active duty. This bill is identical to HB 3015.

*Patron - O'Brien*

**SB1184 Department of Military Affairs; duties.** Establishes specific duties and functions to be carried out by the Department of Military Affairs. This bill is identical to HB 2654.

*Patron - Locke*

**SB1309 Virginia National Guard; employment protection.** Extends the employment protections for service in state duty to service under Title 32 of the United States Code. Upon return to duty, a guardsman would have 14 days to make written application to his previous employer for reemployment. The Code currently requires such application to be made within five days. In addition, the bill would add attorney fees and costs to the damages recoverable for violation of these employment provisions. This bill is identical to HB 2809.

*Patron - Lucas*

**SB1318 Local emergency management plans.** Requires every local and interjurisdictional agency to review and update its emergency operations plan every four years. The updated plan must be formally approved by the locality's governing body.

*Patron - Puckett*

## Failed

**HB2080 Disaster response; individual assistance.** Allows the state to provide disaster assistance to individuals if federal aid is not available or is so delayed as to cause undue hardship. Funds may only be disbursed for individual assis-

tance at the direction of the Governor through an executive order.

*Patron - Wittman*

**HB2176 Virginia Disaster Response Fund; disbursements.** Authorizes disbursements from the Virginia Disaster Response Fund for costs and expenses incurred by the Department of Emergency Management or any other state agency, a political subdivision, or other entity for the purpose of upgrading or hardening designated shelters to withstand damage to and breaching of the facility by wind, floodwaters, or other storm-driven hazards. The bill also provides that annual disbursements made to a political subdivision for the operation, coordination, or acquisition and maintenance of equipment by emergency preparedness organizations of the political subdivision are required to be indexed to the Consumer Price Index.

*Patron - BaCote*

## Mines and Mining

### Passed

**HB3089 Biofuels Incentive Grant Program; production eligibility.** Lowers the eligibility requirement of the volume of biofuels produced and sold from 10 million gallons to two million gallons per calendar year for a producer to be eligible for a grant. The bill also amends the definition of producer to include any agricultural cooperative association, as defined in the Agricultural Cooperative Association Act (§ 13.1-312 et seq.). This bill incorporates HB 2247.

*Patron - Nutter*

**HB3190 Coal miner certification and mine safety.** Requires pre-employment substance abuse testing and provides for the immediate and temporary suspension of miner certification for certain violations related to drugs or alcohol. Requires certificate holders to notify the Board of Coal Mining Examiners of any drug-related criminal conviction within 30 days. Also allows the Board of Coal Mining Examiners to increase examination fees for miner certification from \$10 to an amount not to exceed \$50. This bill is identical to SB 1091.

*Patron - Carrico*

**SB1091 Coal miner certification and mine safety.** Requires pre-employment substance abuse testing and provides for the immediate and temporary suspension of miner certification for certain violations related to drugs or alcohol. Requires certificate holders to notify the Board of Coal Mining Examiners of any drug-related criminal conviction within 30 days. Also allows the Board of Coal Mining Examiners to increase examination fees for miner certification from \$10 to an amount not to exceed \$50. This bill is identical to HB 3190.

*Patron - Puckett*

### Failed

**HB2247 Biofuels Incentive Grant Program; production eligibility.** Lowers the eligibility requirement of the volume of biofuels produced and sold from ten million gallons to 10,000 gallons per calendar year for a producer to be eligible for a grant. This bill was incorporated into HB 3089.

*Patron - Hogan*

**HB2897 Mine safety.** Requires mine operators to maintain motorized transport at the working face of a mine to

carry injured miners to the surface if the travel time from the working face to the surface is greater than 30 minutes.

*Patron - Phillips*

## Motor Vehicles

### Passed

**HB1645 Overweight permits for underground pipe cleaning, hydroexcavating, and water blasting machinery.** Provides for special overweight permits to be issued by the Commissioner of the Department of Motor Vehicles for the operation of underground pipe cleaning, hydroexcavating, and water blasting machinery on the highway. In addition, the bill directs the Department of Transportation to recommend legislation regarding the operation of overweight vehicles.

*Patron - Cole*

**HB1653 Smoking in proximity to gas pumps; penalty.** Provides that any person who smokes or uses an open flame within 20 feet of a pump used to fuel motor vehicles or a fueling tanker being used to deliver gasoline to a gasoline station, where smoking or the use of an open flame is prohibited by a posted sign, is guilty of a Class 3 misdemeanor, and is guilty of a Class 1 misdemeanor if the person causes a fire or explosion.

*Patron - Armstrong*

**HB1679 Bridges and culverts.** Exempts fire and emergency medical apparatus responding to or returning from emergency calls from weight limits on bridges and culverts, provided the vehicles are not so heavy as to cause immediate structural damage.

*Patron - Cosgrove*

**HB1704 Driver's licenses; extension of period of validity.** Grants to civilian employees of the U.S. government and contractors with the U.S. government extensions of the period of validity of their driver's licenses while serving or providing services under contract outside the Commonwealth.

*Patron - Lingamfelter*

**HB1708 Alcohol-related reckless driving.** Provides that the Commissioner of the Department of Motor Vehicles shall not reinstate the driver's license of a defendant required to complete an alcohol safety action program for a conviction of reckless driving until notification of enrollment is received.

*Patron - Lingamfelter*

**HB1729 Maximum speed limit for school buses.** Increases the maximum speed limit to 60 miles per hour for school buses traveling on interstates and highways where the speed limit is greater than 55 miles per hour.

*Patron - Lohr*

**HB1765 Driver improvement clinic fees.** Provides that neither the annual license fees for additional clinic locations nor the annual license fees for clinic instructor licenses will be required of or collected from the Virginia Association of Volunteer Rescue Squads or its members in connection with clinics that are provided for emergency vehicle operation training.

*Patron - Brink*

**HB1779 Motor Vehicle Transaction Recovery Fund.** Provides criteria for the awarding of attorney fees from the Fund.

*Patron - Cosgrove*

**HB1782 Special license plates; Fraternal Order of Police of Virginia; fees.** Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing license plates to members of the Fraternal Order of Police of Virginia. This bill is identical to SB 1350.

*Patron - Cosgrove*

**HB1817 Vehicle titling and registration.** Provides that if a vehicle is registered and titled elsewhere in the United States, nothing is to be construed to require titling or registration in the Commonwealth of any vehicle located in the Commonwealth if that vehicle is registered to a non-Virginia resident active duty military service member, activated reserve or national guard member, or mobilized reserve or national guard member living in Virginia.

*Patron - Suit*

**HB1848 Motor vehicle dealerships.** Affords the buyer of a motor vehicle dealership the means to contest the failure of a manufacturer to approve the transfer of the dealership.

*Patron - Saxman*

**HB1908 Child restraint devices.** Increases the age that children must be secured in a child restraint device from five to eight and requires that rear-facing child restraint devices for infants from birth to one year shall be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The bill also removes the exemption from required child restraint device use for the rear cargo area of vehicles other than pickup trucks and increases the age from less than six years old to eight years old for the permitted use of standard seat belt equipment for certain children.

*Patron - Albo*

**HB1930 DMV fees.** Exempts federal, state, and local officials from fees charged by DMV for obtaining data from DMV records.

*Patron - Rapp*

**HB1964 Special license plates; nurses.** Authorizes the issuance of revenue-sharing special license plates for nurses.

*Patron - O'Bannon*

**HB1986 Parking; VDOT commuter parking lots.** Provides that parking a vehicle in a VDOT-owned commuter parking lot in a way not in conformance with posted signs and pavement markings is a traffic infraction.

*Patron - Cox*

**HB2025 Law enforcement on private roads.** Provides that for law-enforcement purposes certification of road signs and speed limits by private licensed professional engineers shall have the same effect as if certified by VDOT.

*Patron - Sherwood*

**HB2027 DMV driver record abstracts.** Provides for half-price copies of driver record abstracts for volunteer drivers for Faith in Action.

*Patron - Sherwood*

**HB2084 Law-enforcement escorts.** Provides that any federal, state, or local law-enforcement vehicle used in

conducting a funeral escort, wide load escort, dignitary escort, or any other escort shall be considered an emergency vehicle and is exempt from obeying certain regulations such as speed limit and traffic signals and signs.

*Patron - Eisenberg*

**HB2108 Visual displays in motor vehicles.** Permits visual displays forward of the driver's seat or within view of the driver if used to enhance the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle.

*Patron - Carrico*

**HB2113 Stickers on mopeds.** Amends the statute requiring stickers on mopeds to reflect the increase in maximum allowable speed of mopeds enacted by the 2006 Session.

*Patron - Carrico*

**HB2132 HOV lanes; exemption for clean special fuel vehicles.** Extends the "sunset" to 2008 authorizing the use of certain HOV lanes by vehicles bearing clean special fuel vehicle license plates.

*Patron - Hugo*

**HB2163 Incident management.** Provides that vehicles owned or controlled by the Virginia Department of Transportation (VDOT) are exempt from provisions related to stopping on highways while performing emergency road clearance duties. The bill also provides that, in addition to tow truck operators, VDOT vehicles may perform certain incident management duties.

*Patron - Valentine*

**HB2177 Issuance of a license to operate a motorcycle.** Changes "endorsement" to "classification"; allows an individual with a Virginia driver's license who successfully completes a motorcycle rider safety training course to use the documentation as a temporary motorcycle classification for 30 days; requires persons applying for a motorcycle classification who fail the road test twice to complete a motorcycle rider safety training course; allows DMV to exempt those who have completed a motorcycle safety training course from either the written materials or the road test or both; and requires the minimum paved range area used for motorcycle rider safety training courses to be consistent with the minimum range requirements established by the DMV-approved curriculum.

*Patron - BaCote*

**HB2270 Motor vehicle salespersons.** Sets forth conditions under which motor vehicle salespersons can be licensed even if they are not employed by a dealer.

*Patron - Ebbin*

**HB2316 Motor vehicle dealers.** Provides for the repurchase of certain dealer assets in the event of the termination of the dealer's franchise.

*Patron - Welch*

**HB2357 Speed determination devices.** Repeals the provision that allows law-enforcement officers using vehicle-based microcomputer devices to perform speed limit enforcement, upon request of any affected motorist, to show the motorist the reading on the device.

*Patron - Cosgrove*

**HB2362 Exemption from local tax and license fees for certain law-enforcement officials.** Allows local governments to exempt deputy sheriffs, police officers, and officers of

the State Police from the local tax and license fees for one owned or leased vehicle.

*Patron - Scott, E.T.*

**HB2387 Local parking ordinances.** Allows local governing bodies by ordinance to limit to no more than two hours the parking on streets adjacent to commercial business areas of vehicles with gross weights in excess of 12,000 pounds or lengths of 30 feet or more, unless actively engaged in loading or unloading operations.

*Patron - May*

**HB2409 Motor vehicle dealers; compensation for warranty repairs, etc.** Prohibits failure of manufacturers to fully compensate licensed motor vehicle dealers for warranty parts, work, and service either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition.

*Patron - Athey*

**HB2462 Operation of photo-monitoring or automatic vehicle identification systems.** Changes the definition of "operator of a toll facility other than the Virginia Department of Transportation" from facilities authorized by the Code to any entity "that operates a toll facility." The bill also provides that the suspension of a driver's license for failure or refusal to pay these fines or costs is not applicable.

*Patron - Rust*

**HB2465 License plates for antique motor vehicles and antique trailers; penalties.** Provides that applicants for antique license plates show evidence of ownership or regular use of another passenger car or motorcycle. The bill also changes the fee for registration and license plates from \$10 to a one-time fee of \$50; corrects the dates for issuance of metal tabs; permits use of these plates to carry or transport passengers, personal effects, or other antique motor vehicles being transported for show; and requires that vehicles must meet safety equipment requirements for the model year in which they were manufactured. In addition, the bill (i) provides that DMV shall suspend the registration of vehicles registered with antique plates if the vehicle is not properly equipped or is otherwise unsafe to operate, (ii) establishes a Class 4 misdemeanor for violations of this act, and (iii) requires that DMV revoke and not reinstate the owner's privilege to register the vehicle with antique license plates for a period of five years. Lastly, the bill provides for the cancellation of antique vehicle plates issued prior to July 1, 2007 if, prior to January 1, 2008, registrants do not provide the Department with evidence of owning or having regular use of another passenger car or motorcycle and do not have the required safety certification.

*Patron - Marshall, D.W.*

**HB2471 Renewal, duplication, or reissuance of special identification cards.** Provides that renewal, duplication, or reissuance of special identification cards does not require proof of legal presence if the applicant's date of birth is 1937 or earlier and has previously held a Virginia-issued driver's license or special identification card if such license or identification card has not been expired for more than five years.

*Patron - Marshall, D.W.*

**HB2501 Specially constructed, reconstructed, and replica vehicles.** Revises procedures whereby specially constructed, reconstructed, and replica vehicles are titled and registered by DMV. The bill also provides that these vehicles meet safety and emission standards for the year of which the vehicle is a replica.

*Patron - Rust*

**HB2518 Driver's licenses issued to persons convicted of driving under the influence.** Prohibits the Department of Motor Vehicles from issuing or reinstating the driver's license of a person who has been convicted of driving under the influence or a related offense during the three-year period following the conviction, unless the person provides proof that he has in effect a motor vehicle liability insurance policy with limits that are double the minimum limits required generally for motor vehicle liability insurance policies. The bill will apply only to policies issued or renewed on or after January 1, 2008.

*Patron - Iaquinto*

**HB2534 Truck climbing lanes.** Requires VDOT to post signs requiring trucks and combination vehicles to keep to the right on Interstate Highway System components with no more than two travel lanes in each direction where terrain is likely to slow the speed of such vehicles climbing hills and inclines.

*Patron - Landes*

**HB2536 Special license plates; repeal of authorizations.** Repeals 2006 Session authorizations of special license plates that failed to obtain the required number of prepaid orders. These are special license plates for members of the Virginia State Defense Force, supporters of childhood cancer awareness, supporters of youth soccer, honoring Robert E. Lee, bearing the legend "I VOTED," supporters of the USO, supporters of the National D-Day Memorial Foundation, supporters of the National Multiple Sclerosis Society, veterans of U.S. military operations since September 11, 2001, in Afghanistan and Iraq, supporters of the Boy Scouts of America, and supporters of 9-1-1 communications professionals.

*Patron - Landes*

**HB2594 Penalty for failure to pay motor vehicle fines and costs.** Removes the provision that a suspension of a driver's license for failure to pay fines and costs must run consecutively with any other suspension.

*Patron - Rapp*

**HB2640 Local vehicle license taxes and fees.** Prohibits imposition of local vehicle license taxes and fees on inoperable vehicles and unlicensed as reconstructed or specially constructed vehicles.

*Patron - Gear*

**HB2674 Toy vehicles.** Provides a definition of "toy vehicle" and limits use of toy vehicles to (i) highways within residence districts that have no more than two travel lanes and where the speed limits are no more than 25 miles per hour and (ii) highways where play is permitted. The bill also requires that electrically powered toy vehicles have spill-proof, sealed, or gelled electrolyte batteries.

*Patron - Toscano*

**HB2787 Special license plates; U.S. Coast Guard.** Authorizes the issuance of special license plates for members and unmarried surviving spouses of members of the U.S. Coast Guard.

*Patron - Joannou*

**HB2793 Local vehicle license.** Exempts vehicles owned by a public service company having a fleet of at least 2,500 vehicles garaged in the Commonwealth from having to display any local license, decal, or sticker. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or

town can be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

*Patron - Saxman*

**HB2917 Weight limits for gravel trucks.** Extends from July 1, 2007, to July 1, 2009, the sunset on the statute granting trucks hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination in counties that impose a severance tax on coal and gases the same weight limits prescribed for coal trucks. The bill also requires the Department of Transportation, in consultation with the Commonwealth Transportation Board, to recommend legislation regarding the operation of these overweight vehicles.

*Patron - Bowling*

**HB3024 Speed limits.** 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 and analysis of accident and law-enforcement data, on U.S. Route 29, U.S. Route 58, U.S. Route 360, U.S. Route 460, and on U.S. Route 17 between Port Royal and Saluda where they are nonlimited access, multilane, divided highways.

*Patron - Fralin*

**HB3028 CDL examination fees.** Provides for a fee of \$50 to be charged by DMV every time an applicant for a commercial driver's license (CDL) fails to attend a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown.

*Patron - May*

**HB3045 Vehicle safety inspection stickers.** Requires vehicles parked on the highways to display vehicle safety inspection stickers.

*Patron - Miller, J.H.*

**HB3046 Designation of private roads as highways.** Provides that the governing body of any county, city, or town may adopt ordinances designating private roads as highways for law-enforcement purposes within any residential development containing 100 or more dwelling units.

*Patron - Miller, J.H.*

**HB3071 Odometer readings.** Exempts vehicles that were manufactured for a model year at least 10 years earlier than the calendar year in which a sale or transfer occurs and were previously exempt from recording an odometer reading on the certificate of title in another state from odometer reading certifications.

*Patron - Oder*

**HB3075 Regulation of traffic; authority of Wildlife Center of Virginia.** Authorizes vehicles owned or controlled by the Wildlife Center of Virginia when specifically requested by a law-enforcement agency to rescue or euthanize injured wildlife to (i) cross medians of divided highways; (ii) use cross-overs and turn-arounds otherwise reserved for use only by authorized vehicles; (iii) drive on a portion of the highway other than the roadway; (iv) stop or stand on any portion of the highway; and (v) operate in any other manner as directed by a law-enforcement officer at the scene. The bill provides that a driver of any such vehicle is not immune from liability, criminal or civil, for reckless behavior.

*Patron - Landes*

**HB3084 School bus warning devices.** Requires that any new bus placed into service on or after July 1, 2007, shall be equipped with warning devices that, at a minimum, include a nonsequential system of red traffic warning lights, a warning sign with flashing lights, and a crossing control arm such that when the bus door is opened, the red warning lights, warning sign with flashing lights, and crossing control arm are automatically activated.

*Patron - Peace*

**HB3122 Driving without a license; penalties.** Provides that a second offense of driving without a license is a Class 1 misdemeanor. Under current law all violations are Class 2 misdemeanors.

*Patron - Rust*

**HB3143 Local vehicle license taxes and fees.** Restates the limitation on the amount of any such taxes and fees by replacing the phrase "amount of the license tax" with "annual or one-year fee."

*Patron - Reid*

**SB742 Bridges and culverts.** Exempts fire and emergency medical apparatus responding to or returning from emergency calls from weight limits on bridges and culverts, provided the vehicles are not so heavy as to cause immediate structural damage.

*Patron - Miller*

**SB783 Speed limits.** 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 and analysis of accident and law-enforcement data, on U.S. Route 29, U.S. Route 58, U.S. Route 360, U.S. Route 460, and on U.S. Route 17 between Port Royal and Saluda where they are nonlimited access, multilane, divided highways.

*Patron - Bell*

**SB803 Special license plates; Robert E. Lee.** Authorizes the Commissioner of the Department of Motor Vehicles to issue special license plates honoring Robert E. Lee.

*Patron - Ruff*

**SB816 Driver's licenses; extension of period of validity.** Grants to civilian employees of the U.S. government and contractors with the U.S. government extensions of the period of validity of their driver's licenses while serving or providing services under contract outside the Commonwealth.

*Patron - Cuccinelli*

**SB898 Toy vehicles.** Provides a definition of "toy vehicle" and limits use of toy vehicles to (i) highways within residence districts that have no more than two travel lanes and where the speed limits are no more than 25 miles per hour and (ii) highways where play is permitted. The bill also requires that electrically powered toy vehicles have spill-proof, sealed, or gelled electrolyte batteries.

*Patron - Deeds*

**SB924 Law-enforcement escorts.** Provides that any federal, state, or local law-enforcement vehicle used in conducting a funeral escort, wide-load escort, dignitary escort, or any other escort shall be considered an emergency vehicle and is exempt from obeying certain regulations such as speed limit and traffic signals and signs.

*Patron - Ticer*

**SB993 Disabled parking.** Allows licensed physician assistants, licensed podiatrists, licensed chiropractors, or

licensed nurse practitioners the same certification powers granted licensed physicians and certain other health care professionals in connection with obtaining various indicia associated with disabled parking privileges.

*Patron - Blevins*

**SB1000 Regulation of taxicab service by localities; public access to financial records.** Provides that financial data collected by local governing bodies shall be used only for consideration of rates or charges, or to determine financial responsibility, and shall be kept confidential by the governing body. The bill provides, however, that any certificate of insurance, bond, letter of credit, or other certification that the owner or operator has met the requirements of this chapter or of any local ordinance with regard to financial responsibility is not confidential.

*Patron - Houck*

**SB1039 Driver's license applicable to holders of provisional driver's licenses.** Prohibits the use of wireless telecommunication devices for such drivers while operating a motor vehicle, except in an emergency or when parked or stopped.

*Patron - O'Brien*

**SB1042 Towing and recovery operators; exemption from liability.** Provides that towing and recovery operators are exempt from liability in civil actions when they are responding in good faith to the lawful direction of rescue or fire agencies, in the case that life, limb, or property is endangered, to tow, recover, or store a vehicle or its contents. Current law only provides for such an exemption from liability when the towing and recovery operator is responding to the direction of a law-enforcement agency.

*Patron - O'Brien*

**SB1060 Child restraint devices.** Increases the age that children must be secured in a child restraint device from five to eight and requires that rear-facing child restraint devices for infants from birth to one year shall be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The bill also removes the exemption from required child restraint device use for the rear cargo area of vehicles other than pickup trucks and increases the age from less than six years old to eight years old for the permitted use of standard seat belt equipment for certain children.

*Patron - Watkins*

**SB1097 Records of the Department of Motor Vehicles.** Eliminates the fee to receive driving record abstracts from the Department of Motor Vehicles for (i) local government group self-insurance pools, (ii) law-enforcement officers, (iii) attorneys and court officials for the Commonwealth, (iv) officials of counties, cities, and towns, and (v) court, police, and licensing officials of other states and of the federal government.

*Patron - Williams*

**SB1100 Operation of photo-monitoring or automatic vehicle identification systems.** Changes the definition of "operator of a toll facility other than the Virginia Department of Transportation" from facilities authorized by the Code to any entity "that operates a toll facility." The bill also provides that the suspension of a driver's license for failure or refusal to pay these fines or costs is not applicable.

*Patron - Williams*

**SB1144 Incident management.** Provides that vehicles owned or controlled by the Virginia Department of Transportation (VDOT) are exempt from provisions related to

stopping on highways while performing emergency road clearance duties. The bill also provides that, in addition to tow truck operators, VDOT vehicles may perform certain incident management duties.

*Patron - Wagner*

**SB1153 DMV driver record abstracts.** Provides for half-price copies of driver record abstracts for volunteer drivers for Faith in Action.

*Patron - Potts*

**SB1321 Overweight permits for tank wagons.** Authorizes issuance of overweight permits for tank wagons.

*Patron - Houck*

**SB1350 Special license plates; Fraternal Order of Police of Virginia; fees.** Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing license plates to members of the Fraternal Order of Police of Virginia. This bill is identical to HB 1782.

*Patron - Blevins*

**SB1360 Designation of private roads as highways.** Provides that the governing body of any county, city, or town may adopt ordinances designating private roads as highways for law-enforcement purposes within any residential development containing 100 or more dwelling units.

*Patron - Colgan*

**SB1363 Vehicle safety inspection stickers.** Requires vehicles parked on the highways to display vehicle safety inspection stickers.

*Patron - Colgan*

**SB1383 Specially constructed, reconstructed, and replica vehicles.** Revises procedures whereby specially constructed, reconstructed, and replica vehicles are titled and registered by DMV.

*Patron - Williams*

## Failed

**HB1646 Motor carriers of passengers; insurance.** Provides that all motor carriers shall keep in force at all times insurance, a bond or bonds in an amount based on the number of passenger-carrying vehicles operated by the carrier: one to nine passenger-carrying vehicles: \$1,500,000; 10 or more passenger-carrying vehicles: \$5,000,000.

*Patron - Cole*

**HB1655 Required driving hours for holders of learner's permits.** Increases the minimum driving hours from 40 to 50 hours, at least 15 of which shall be after sunset.

*Patron - Lohr*

**HB1676 Possession of open container of alcohol in a motor vehicle; penalty.** Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

*Patron - Purkey*

**HB1686 Suspension of driver's license pending appeal of DUI conviction.** Provides that when a person is found guilty of DUI and appeals the judgment to the circuit court, the Commissioner of Motor Vehicles shall not revoke that person's license until the appeal is withdrawn or the person is convicted in the circuit court. The bill also provides that

when a person appeals a judgment from the circuit court to the Court of Appeals and the circuit court provides that the execution of the sentence is suspended pending the outcome of the appeal, the Commissioner shall not revoke that person's license until the appeal is withdrawn or the judgment is affirmed at the completion of the appeals process.

*Patron - Toscano*

**HB1699 Local vehicle license fees and taxes.** Repeals authority of imposition and collection of local vehicle license fees and taxes. This does not affect the ability of localities to impose personal property taxes on vehicles.

*Patron - Lingamfelter*

**HB1750 Special license plates; Vietnamese Heritage and Freedom Flag.** Authorizes the issuance of special license plates bearing the Vietnamese Heritage and Freedom Flag.

*Patron - Marshall, R.G.*

**HB1751 Special license plates; brain tumor awareness.** Authorizes the issuance of special license plates to promote brain tumor awareness. The bill has an emergency clause making it effective upon its passage.

*Patron - Marshall, R.G.*

**HB1772 Law-enforcement officer uniform requirement for arrests for speeding.** Allows a law-enforcement officer to arrest a person for speeding without the requirement that he wear a uniform, only that he display a badge.

*Patron - Cosgrove*

**HB1806 Special license plates; VIRGINIA RECYCLES.** Authorizes the issuance of special license plates bearing the legend: VIRGINIA RECYCLES.

*Patron - Poisson*

**HB1808 Motorcycles; driving two abreast in a single lane.** Allows two motorcycles to travel abreast in a single lane.

*Patron - Poisson*

**HB1818 Safety inspection; exemptions.** Provides that periodic safety inspection requirements do not apply to Virginia-registered vehicles (i) owned in full by an active duty military service member, activated reservist, or temporarily mobilized reserve or national guard member stationed or living outside Virginia or (ii) jointly owned by an active duty military service member, activated reservist, or temporarily mobilized reserve or national guard member stationed or living outside Virginia and a dependent. The bill also exempts these vehicles from having to display a safety inspection approval sticker.

*Patron - Suit*

**HB1831 Special license plates; National D-Day Memorial Foundation; fees.** Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing license plates to supporters of the National D-Day Memorial Foundation.

*Patron - Putney*

**HB1832 Golf carts.** Allows persons with disabled parking placards to cross public highways in golf carts, regardless of the speed limit on the highway, without having driver's licenses.

*Patron - Putney*

**HB1874 Temporary driver's permits.** Provides that 90-day limitation on validity of temporary driver's permits

does not apply to first-time driver's licenses issued to minors pending presentation of driver's licenses in a court ceremony.

*Patron - Caputo*

**HB1876 Wireless telecommunications devices; use by certain drivers.** Prohibits use of wireless telecommunications devices by holders of provisional licenses, learner's permits, and motorcycle learner's permits, except in an emergency, when the vehicle is parked, or when the vehicle is stationary on that portion of a highway improved, designed, and ordinarily used for vehicular travel. This bill incorporates HB 2510.

*Patron - Caputo*

**HB1927 Antique vehicles.** Imposes additional limitations and conditions on certain vehicles registered as antique vehicles. This bill was incorporated into HB 2465.

*Patron - Griffith*

**HB1929 Abandoned vehicles.** Allows property owners to have vehicles found abandoned on their property removed.

*Patron - Griffith*

**HB1933 Failure to give way to overtaking traffic; penalty.** Provides for a mandatory minimum fine of \$250 for failure to give way to an overtaking vehicle when driving a motor vehicle to the left and abreast of another vehicle.

*Patron - Rapp*

**HB1934 Overtaking and passing vehicles on certain highways.** Prohibits travel in the left-most lane of any limited access highway except to pass another vehicle traveling in the same direction. There are exceptions made for exiting to the left, avoiding a collision, traffic and inclement weather, and entering a toll facility.

*Patron - Rapp*

**HB1983 Dealer's license plates.** Repeals the prohibition on use of dealer's license plates on trailers.

*Patron - Lohr*

**HB1987 Eluding police and causing injury or death; eluding while under the influence; penalties.** Provides that any person who feloniously eludes police while also in violation of § 18.2-266 (DUI) or when a pursuit of the person by a law-enforcement officer results in bodily injury to another person is guilty of a Class 5 felony, punishment for which shall include a mandatory minimum sentence of six months' incarceration. The bill also provides that any person who feloniously eludes police when a pursuit of the person by a law-enforcement officer results in the death of another person is guilty of a violation of § 18.2-33.

*Patron - Cox*

**HB2003 DMV vehicle data.** Provides that law-enforcement personnel may provide the fire/rescue officer in charge at an accident scene DMV vehicle information when that information pertains to vehicles damaged in the accident.

*Patron - Kilgore*

**HB2052 Improper driving charged by law-enforcement officer.** Provides that a person may be charged with improper driving who has engaged in reckless driving where the degree of culpability is slight. Improper driving is punishable as a traffic infraction punishable by a fine of not more than \$500. Currently, only a charge of reckless driving may be reduced to improper driving by the court or the attorney for the Commonwealth.

*Patron - McQuigg*

**HB2054 Use of headlights when operating windshield wipers.** Provides that headlights must be lighted when using windshield wipers intermittently in misting rain, sleet, or snow. An exception is made for using wipers when cleaning the windshield.

*Patron - McQuigg*

**HB2129 Board for Towing and Recovery Operators; review of contracts.** Requires state agencies, instrumentalities, and subdivisions to submit to the Board for Towing and Recovery Operators copies of contracts for towing services at least 30 days prior to the dates on which they are to become effective.

*Patron - Hugo*

**HB2183 Suspension of license for failure to pay jail fees.** Allows for the suspension of a driver's license for failure to pay jail fees related to a prisoner's keep.

*Patron - Miller, P.J.*

**HB2248 Yielding right-of-way when approaching certain vehicles.** Provides that the driver of any motor vehicle shall yield the right-of-way when approaching vehicles used to collect and deliver the United States mail.

*Patron - Hogan*

**HB2257 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected for transportation.** 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 driving on a suspended or revoked license, reckless or aggressive driving, DUI, or any other misdemeanor or felony involving operation of a motor vehicle. Annually, the first \$35 million of these fees, minus cost of collection, will be directed to the special matching fund established by § 33.1-23.05; the next \$25 million will be directed to the Transportation Partnership Opportunity Fund; and the remainder will be directed to the Local Congestion Mitigation Incentive Fund. This bill was incorporated into HB 2376.

*Patron - Rust*

**HB2260 Removal of trespassing vehicles by towing and recovery operators.** Eliminates the requirement that towing and recovery operators obtain a second written authorization from the owner of the property from which the vehicle is towed.

*Patron - Rust*

**HB2285 Special license plates; DRIVING AMERICA'S FUTURE.** Authorizes the Commissioner of the Department of Motor Vehicles to issue to licensed and former school bus drivers special license plates bearing the legend: DRIVING AMERICA'S FUTURE.

*Patron - Watts*

**HB2286 Loitering in the rights-of-way of certain highways.** Prohibits loitering in the right-of-way of any highway on which the Commissioner has posted signs prohibiting such activity.

*Patron - Watts*

**HB2289 Revocation of driver's license; notice.** Provides that a court shall order a person convicted of driving after the forfeiture of his driver's license to surrender his license and that such a conviction constitutes notice of the administrative revocation of his driver's license.

*Patron - Watts*

**HB2320 Accident reports by law-enforcement officers; amount of property damage.** Increases the property damage amount requiring a mandatory accident report from \$1,000 to \$2,500.

*Patron - Welch*

**HB2375 Special license plates; "The Crooked Road: Virginia's Heritage Music Trail."** Authorizes the Commissioner of the Department of Motor Vehicles to issue special license plates to supporters of "The Crooked Road: Virginia's Heritage Music Trail."

*Patron - Dudley*

**HB2376 Assessment of fees on certain drivers; use of fees collected.** Requires the courts to impose, in addition to any other penalties imposed, an initial additional fee for certain motor vehicle law offenses. The bill also requires the Department of Motor Vehicles to assess certain fees on any person who has eight or more driver demerit points. These fees, minus cost of collection, will be deposited into the Highway Maintenance and Operating Fund for highway maintenance purposes.

*Patron - Rust*

**HB2383 Speed limits; Lucketts.** Provides that the maximum speed limit in the Village of Lucketts is 25 mph.

*Patron - May*

**HB2421 Special license plates; Blue Ridge Parkway Foundation.** Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing special license plates to supporters of the Blue Ridge Parkway Foundation.

*Patron - Griffith*

**HB2434 Supplemental funding for primary and secondary road construction.** Dedicates to primary and secondary road construction (i) current state recordation tax revenues, pro rata to each highway construction district based on the number of registered vehicles in each district; (ii) newly imposed state fees on drivers who have accumulated more than four net driver demerit points or have been convicted of driving on a suspended or revoked license, reckless or aggressive driving, DUI, or any other misdemeanor or felony involving operation of a motor vehicle, pro rata to each highway construction district based on the number of registered vehicles in each district; (iii) current local vehicle registration fees; and (iv) a newly authorized commercial real property tax in Northern Virginia. The bill is effective July 1, 2008. This bill was incorporated into HB 3202.

*Patron - Albo*

**HB2452 Operation of vehicles by foreign licensees.** Consolidates provisions relating to operation of motor vehicles in Virginia by nonresidents holding licenses from other states or foreign countries.

*Patron - Cline*

**HB2453 Driving without a license; penalty.** Provides for enhanced penalties for persons convicted multiple times of driving without a license (as distinct from driving on a suspended or revoked license). The enhanced penalties are patterned after present penalties for persons driving on revoked or suspended licenses. This bill was incorporated into HB 3122.

*Patron - Cline*

**HB2482 Antique motor vehicles; driving distance.** Removes the 250-mile driving limitation for vehicles regis-

tered with antique motor vehicle license plates. This bill was incorporated into HB 2465.

*Patron - Crockett-Stark*

**HB2510 Provisional driver's licenses; restriction on using cellular phones and wireless devices.** Places a restriction on persons with a provisional driver's license from using a cellular phone or other wireless device while driving on the highways of the Commonwealth. The bill also removes a subsection that makes offenses in the rest of the section secondary offenses, which would make all offenses in this section primary offenses. This bill was incorporated into HB 1876.

*Patron - Jones, D.C.*

**HB2585 Motorcycle helmets.** Exempts motorcyclists operating on scenic highways and Virginia byways from the motorcycle helmet law. The bill also makes failure to wear a helmet a secondary offense.

*Patron - Janis*

**HB2587 Penalty for running a red light.** Provides that the offense of running a red light is charged as reckless driving. The current penalty is a \$350 fine.

*Patron - Janis*

**HB2597 Travel in the left lane by commercial motor vehicles.** Prohibits drivers of commercial vehicles from travel in the left lane on Interstate Route 64 between the Hampton Roads Bridge-Tunnel and the City of Richmond.

*Patron - Rapp*

**HB2610 Vehicle registration fees.** Increases fees for registration of vehicles not designed and used to transport passengers, and increases the minimum registration fee for farm vehicles.

*Patron - Watts*

**HB2665 Driver's license expirations.** Grants to civilian employees of the U.S. government serving outside the country the same extension of their driver's license expiration granted to members of the military and diplomatic corps. This bill was incorporated into HB 1704.

*Patron - Marsden*

**HB2700 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 and increases the minimum time required for first-time applicants over the age of 19 to hold a learner's permit from 30 days to 90 days.

*Patron - Hugo*

**HB2701 Temporary driver's permits.** Provides that the 90-day limitation on validity of temporary driver's permits does not apply to first-time driver's licenses issued to minors pending presentation of driver's licenses in a court ceremony.

*Patron - Hugo*

**HB2702 Professional driver training schools and professional driver training instructors.** Changes the terms "driver training school" and "instructor" to "professional driver training school" and "professional driving instructor" and requires driving instructors, as a precondition to licensure by the DMV, to pass a course of instruction offered by the DMV.

*Patron - Hugo*

**HB2715 Provisional driver's licenses.** Allows the holder of provisional driver's license to drive between mid-

night and 4:00 a.m. when driving to or from a residence where acting as a babysitter.

*Patron - Barlow*

**HB2733 Driver's licenses and special identification cards; contents.** Provides that, when requested by the applicant, the Department must indicate on driver's licenses and special identification card the names of no more than five "emergency contact persons." Contact information pertaining to such "emergency contact persons," such as addresses and telephone numbers, as supplied by the applicant, is to be maintained by the Department and released to law-enforcement and other emergency services personnel as provided in regulations.

*Patron - Englin*

**HB2761 Stopping on highways.** Makes running a red light reckless driving statewide. It also makes running a red light in localities formerly authorized to have photo-red programs punishable as reckless driving with a mandatory minimum fine of \$500. This bill was incorporated into HB 2587.

*Patron - Hurt*

**HB2762 Stopping on highways.** Makes illegal stopping in intersections in localities formerly authorized to have photo-red programs punishable by a mandatory minimum fine of \$500.

*Patron - Hurt*

**HB2763 Highway safety corridors; speeding.** Provides for a mandatory minimum fine of \$500 for persons convicted of driving 20 miles per hour or more in excess of the speed limit in highway safety corridors.

*Patron - Hurt*

**HB2773 Unlawful possession of license plate or decal; penalty.** Provides that any person who unlawfully possesses a license plate or decal issued to a vehicle other than his own is guilty of a Class 2 misdemeanor.

*Patron - Hurt*

**HB2794 Special license plates; Purple Heart.** Provides for issuance of Purple Heart special license plates free of charge to persons who are members in good standing of the Department of Virginia Military Order of the Purple Heart.

*Patron - Wright*

**HB2863 Stopping for pedestrians.** Amends the statute that presently requires motorists to yield the right-of-way to pedestrians to require that motorists stop for pedestrians.

*Patron - Moran*

**HB2884 Overweight coal trucks.** Provides that penalties for overweight coal trucks are imposed on the owners of the vehicles, and not on their drivers.

*Patron - Phillips*

**HB2899 Special conservators of the peace.** Authorizes special conservators of the peace employed by a locality to use flashing blue lights in their vehicles, like other law-enforcement vehicles. The law currently allows special conservators of the peace to use flashing red lights. The bill also exempts special conservators of the peace employed by a locality from the prohibition against wearing a uniform with an insignia containing the seal of Virginia.

*Patron - Phillips*

**HB2902 License plates.** Provides for single license plates for all vehicles presently required to display two license

plates, but allows owners of these vehicles to be issued two license plates if they so request.

*Patron - Dance*

**HB2907 Driving with special license plates after conviction of DUI.** Requires persons convicted of drunk driving a third or subsequent time who have registered motor vehicles in Virginia to use yellow license plates with red letters and numbers for a five-year period.

*Patron - Spruill*

**HB2912 Cell phones.** Bans use of cell phones by drivers of school buses and passenger-carrying commercial vehicles, except in emergencies.

*Patron - Bowling*

**HB2916 Traffic lights; vehicle detection devices.** Allows motorcycles, under certain conditions, to proceed through steady red signals if the traffic light is controlled by a vehicle detection device.

*Patron - Bowling*

**HB2945 Stopping for pedestrians.** Amends the statute that presently requires motorists to yield the right-of-way to pedestrians to require that motorists stop for pedestrians. The bill also gives all localities the option to provide for the installation of signs at marked crosswalks and to increase fines.

*Patron - Miller, J.H.*

**HB2972 DUI administrative license suspension at time of charge.** Clarifies that immediate administrative driver's license suspension occurs upon issuance of a warrant for arrest by a magistrate for a DUI, without regard to the probable cause for the arrest (eliminates reliance on 0.08% blood alcohol content).

*Patron - Bell*

**HB3010 Motor vehicle, T&M vehicle, trailer, and motorcycle dealers.** Imposes fees by the Department of Motor Vehicles on certain motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers.

*Patron - Janis*

**HB3032 Vehicle safety inspections.** Provides that vehicle owners may make appointments to have their vehicles inspected but that they cannot be required to do so.

*Patron - Bell*

**HB3040 Motor fuel; failure to pay.** Provides that for the purposes of the \$250 civil penalty for driving off and failing to pay for motor fuel, there is a rebuttable presumption that the owner, lessee, or renter of the vehicle that was involved was the operator of the vehicle.

*Patron - BaCote*

**HB3066 Wireless telecommunications devices; use by certain drivers.** Prohibits use of wireless telecommunications devices by holders of provisional licenses, learner's permits, and motorcycle learner's permits, except in an emergency, when the vehicle is parked, or when the vehicle is stationary on that portion of a highway improved, designed, and ordinarily used for vehicular travel.

*Patron - Miller, P.J.*

**HB3072 Local vehicle license taxes and fees.** Allows counties that assume responsibility for maintenance of certain subdivision streets to charge an additional annual local vehicle license fee of no more than \$10 per motor vehicle. This bill was incorporated into HB 2227.

*Patron - Orrock*

**HB3073 Off-road motorcycle, all-terrain vehicle, and similar vehicle.** Prohibits operation of any off-road motorcycle, all-terrain vehicle, or similar vehicle within 500 feet of any dwelling. Violation is punishable as a Class 4 misdemeanor (fine up to \$250). If a violation is committed by a juvenile, the parent or other person standing in loco parentis to that person shall be guilty of a Class 4 misdemeanor. A second or subsequent conviction within one year of a first conviction shall be punishable as a Class 3 misdemeanor (fine up to \$500). This bill does not apply to vehicles while being used for agricultural or silvicultural purposes.

*Patron - Ware, R.L.*

**HB3077 Motorcycle helmets.** Provides for a \$25 civil penalty for the conviction of a motorcyclist who fails to wear a helmet. At present, a violation is a traffic infraction and punishable by a fine of up to \$250.

*Patron - Abbitt*

**HB3092 Driver's license numbers.** Provides for nonissuance of driver's license numbers to persons with bona fide religious objections to issuance of such numbers.

*Patron - Johnson*

**HB3149 DMV fees; issuance of driver's licenses and learner's permits.** Requires DMV to impose an additional fee of up to \$20 for any transaction carried out in one of its customer service centers if the transaction does not involve a driver's license or learner's permit or some other service that cannot be carried out electronically or by other alternative means. The bill also requires the DMV Commissioner shall prepare a plan whereby all Virginia driver's licenses and learner's permits will be centrally manufactured and sent to the licensee or permittee by mail. He must submit a progress report to the General Assembly on the preparation of the plan and a schedule for implementation on or before September 1, 2007, and a final report no later than December 31, 2007.

*Patron - Saxman*

**HB3152 Vehicle registration fees.** Increases vehicle registration fees, removes certain fees based on weight, and dedicates the proceeds to transportation purposes.

*Patron - Callahan*

**HB3187 Registration of certain taxicabs.** Requires that every taxicab registered in another state that is regularly parked on the public streets of the Commonwealth or is regularly garaged in the Commonwealth, regardless of its registration in another state, also be registered in Virginia.

*Patron - Sickles*

**HB3203 Special license plates for certain veterans.** Provides that South Korean or allied national veterans as well as U.S. veterans of the Korean War may apply for special license plates for Korean War veterans and that South Vietnamese or allied national veterans as well as U.S. veterans of the Vietnam War may apply for special license plates for Vietnam War veterans.

*Patron - Hull*

**SB733 Special license plates; supporters of the Virginia Museum of Natural History.** Authorizes the issuance of revenue-sharing special license plates to supporters of the Virginia Museum of Natural History. 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 Museum of Natural History Foundation to support the

operation and programs of the Virginia Museum of Natural History.

*Patron - Reynolds*

**FSB746 All-terrain vehicles.** Amends statutes relating to all-terrain vehicles and titling all-terrain vehicles to make it clear that all-terrain vehicle dealers need not be licensed as motorcycle dealers.

*Patron - Williams*

**FSB764 Driver's licenses; persons who use bioptic telescopic lenses.** Allows persons who use bioptic telescopic lenses to receive driver's licenses with motorcycle classifications if they have lawfully driven a motor vehicle for a year immediately prior to the issuance of such an endorsed license.

*Patron - Cuccinelli*

**FSB784 Special license plates; members of the American Poolplayers Association.** Authorizes the Commissioner of the Department of Motor Vehicles to issue special license plates to members of the American Poolplayers Association.

*Patron - Bell*

**FSB801 Reckless driving; speeding.** Raises from 80 to 85 miles per hour the speed that constitutes reckless driving regardless of the speed limit.

*Patron - Ruff*

**FSB909 Reckless driving; violation of right-of-way resulting in death of another.** Provides that a person is guilty of reckless driving if he violates the right-of-way of any motor vehicle causing the death of another. The court must sentence the driver to 90 days in jail and suspend his driver's license for not less than six months or more than three years, although the court may suspend the penalties if the person completes 24 or more hours of community service.

*Patron - Obenshain*

**FSB926 Regulation of parking of certain vehicles.** Allows localities to regulate or prohibit the parking of any truck in any residence district.

*Patron - Ticer*

**FSB1032 Accident reports; cellular phones.** Requires law-enforcement officers to report whether the use of a cellular phone or other wireless communication device was a factor in an accident.

*Patron - O'Brien*

**FSB1035 Child restraint devices; booster seat age; rear-facing child restraint devices; civil penalty.** Raises the booster seat age requirement from through age five to through age seven and prohibits any person from securing a child in the front passenger seat with rear-facing child restraint device unless the vehicle is not equipped with a passenger side airbag or the airbag has been deactivated. The bill also removes an exception that allows children to ride unrestrained in the rear cargo area of vehicles other than pickup trucks. This bill was incorporated into SB 1060.

*Patron - O'Brien*

**FSB1040 Driver's license for those under 19 years old.** Makes a violation of the various restrictions, such as passenger and curfew limitations, that are applicable to drivers under 19 years of age a primary offense, rather than a secondary offense as currently provided by law.

*Patron - O'Brien*

**FSB1043 DMV to develop and distribute materials for parents of certain minors.** Requires the Department of Motor Vehicles, in cooperation with the Department of Education, to develop, produce, and make available instructional materials for use by parents of minors who hold learner's permits or provisional driver's licenses. These materials are to be designed to assist parents in ensuring that their children develop the skills, knowledge, habits, and awareness necessary for becoming safe drivers. They are, further, to be made available free of charge in the Department's Customer Service Centers.

*Patron - O'Brien*

**FSB1094 Vehicle warning lights.** Allows chaplains to equip their vehicles with colored warning lights and operate those vehicles in the same manner as those of volunteer firefighters, etc.

*Patron - Puckett*

**FSB1107 Special license plates; Fraternal Order of Police of Virginia; fees.** Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing license plates to members of the Fraternal Order of Police of Virginia. This bill was incorporated into SB 1350.

*Patron - Miller*

**FSB1119 Learner's permits, driver's licenses, and special identification cards.** Provides that learner's permits, driver's licenses, and special identification cards issued to persons who are 25 years old or older must not show the age of the person to whom they are issued.

*Patron - Cuccinelli*

**FSB1124 Provisional driver's licenses; use of wireless telecommunications devices.** Prohibits persons under the age of 18 from using any cellular telephone or any other wireless telecommunications device while driving, regardless of whether such device is or is not handheld. A violation of this provision is a secondary offense. This bill was incorporated into SB 1039.

*Patron - Cuccinelli*

**FSB1142 Dealer's license plates.** Allows dealer's license plates to be used on vehicles in the inventory of licensed motor vehicle manufacturers, distributors, and dealers in the Commonwealth when the vehicles are operated by dealers or dealer-operators, their spouses, or employees of manufacturers, distributors, and dealers.

*Patron - Wagner*

**FSB1196 Assessment of fees on certain drivers; use of fees collected.** Requires the courts to impose, in addition to any other penalties imposed, an initial additional fee for certain motor vehicle law offenses. The bill also requires the Department of Motor Vehicles to assess certain fees on any person who has eight or more driver demerit points. These fees, minus cost of collection, will be deposited into the Highway Maintenance and Operating Fund for highway maintenance purposes.

*Patron - Reynolds*

**FSB1315 Driver's license numbers.** Provides for nonissuance of driver's license numbers to persons with bona fide religious objections to issuance of such numbers.

*Patron - Wampler*

**FSB1337 DMV fees; issuance of driver's licenses and learner's permits.** Requires DMV to impose an additional fee for certain transactions carried out in one of its customer service centers. The bill also requires the DMV

Commissioner shall prepare a plan whereby all Virginia driver's licenses and learner's permits will be centrally manufactured and sent to the licensee or permittee by mail.

*Patron - McDougle*

**SB1358 Special license plates; DIG WITH CARE.** Authorizes the issuance of special license plates bearing the legend "DIG WITH CARE."

*Patron - Devolites Davis*

**SB1401 Motor vehicle stops.** Requires a law-enforcement officer to inform the person stopped of the reason for the stop.

*Patron - Marsh*

**SB1417 Transportation funding and reform.** Provides statewide funding of transportation projects through current funds and additional funds. The bill also authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$2 billion for statewide transportation funding.

*Patron - Norment*

**SB1422 Special license plates; Bide-A-Wee Golf Course.** Authorizes the issuance of special license plates for supporters of the Bide-A-Wee Golf Course in the City of Portsmouth.

*Patron - Lucas*

## Notaries and Out-of-State Commissioners

### Passed

**HB2058 Notaries public.** Rewrites the notary law to include electronic notarization and details the application and technology requirements for electronic notarization. These particular provisions become effective July 1, 2008. The bill creates a nonreverting technology fee account for the Secretary of the Commonwealth's use. A list of prohibited acts for notaries is included (e.g., use of official seal to promote or oppose products, candidates, etc.; use of signature or seal on incomplete documents; committing fraud under the guise of an official act) that subject the notary to suspension, removal, or reprimand as under current law. The bill also creates a Class 1 misdemeanor for obtaining, concealing, etc., electronic notarization software or hardware. The bill also increases the Secretary's fee for commissioning a notary from \$25 to \$35 and allows a fee of \$35 for commissioning an electronic notary. The fee for notarizing a document remains at \$5, and the fee for electronic notarization is not to exceed \$25. This bill is identical to SB 826.

*Patron - McQuigg*

**HB3112 Notaries; fees for services.** Provides that a notary may charge a fee of up to \$5 for services provided. Currently, if a notary charges a fee, the fee shall be \$5.

*Patron - Cole*

**SB826 Notaries public.** Rewrites the notary law to include electronic notarization and details the application and technology requirements for electronic notarization. These particular provisions become effective July 1, 2008. The bill creates a nonreverting technology fee account for the Secretary of the Commonwealth's use. A list of prohibited acts for notaries is included (e.g., use of official seal to promote or oppose prod-

ucts, candidates, etc.; use of signature or seal on incomplete documents; committing fraud under the guise of an official act) that subject the notary to suspension, removal, or reprimand as under current law. The bill also creates a Class 1 misdemeanor for obtaining, concealing, etc., electronic notarization software or hardware. The bill also increases the Secretary's fee for commissioning a notary from \$25 to \$35 and allows a fee of \$35 for commissioning an electronic notary. The fee for notarizing a document remains at \$5, and the fee for electronic notarization is not to exceed \$25. This bill is identical to HB 2058.

*Patron - Devolites Davis*

## Nuisances

### Passed

**HB1995 Alcoholic beverage sale nuisances.** Any locality by or through its mayor, executive, or attorney may file a petition in a circuit court to enjoin the sale of alcohol at any establishment licensed by the Alcohol Beverage Control Board. The basis for such petition shall be that the operator of the establishment has allowed it to become a meeting place for persons committing serious criminal violations of the law. After a final determination has been issued by the ABC Board the injunction is null.

*Patron - Suit*

## Partnerships

### Passed

**HB2142 Limited partnerships and partnerships.** Prohibits the transaction of business as a limited partnership unless the business is a Virginia limited partnership or a foreign limited partnership registered to transact business in Virginia. The measure includes numerous technical amendments that ensure that terminology in the Virginia Limited Partnership Act and Partnership Act conforms to provisions of other Virginia business entity laws. Other provisions centralize and expand the delayed effective date provisions for Virginia limited partnership organizational documents; move the provisions for the conversion of a partnership to a limited partnership to the Limited Partnership Act; amend the filing fees for limited partnership and registered limited liability partnership amendments and cancellations; and transfer responsibility for the filing of amended and restated certificates of limited partnership in circuit court from the Commission to the limited partnership.

*Patron - Kilgore*

## Pensions, Benefits and Retirement

### Passed

**HB1830 Deferred compensation plan for state employees.** Changes the participation in the deferred compen-

sation plan for new state employees hired on or after January 1, 2008, to an "opt-out" plan rather than an "opt-in" plan.

*Patron - Putney*

**HB2091 Virginia Retirement System; long-term disability health insurance credit.** Clarifies that state employees receiving long-term disability benefits are eligible for health insurance credits.

*Patron - Tata*

**HB2095 Virginia Retirement System; information to localities.** Directs the Virginia Retirement System to provide each participating locality the locality-specific data as may be necessary for each locality to determine the specific assumptions that are driving its VRS-related costs, and to understand the retirement costs of different classes of covered employees. Localities may be charged a fee by VRS for the cost of providing such information.

*Patron - Tata*

**HB2096 Virginia Retirement System; accumulated contributions.** Clarifies that a member's "accumulated contributions" includes all employer-paid, tax-deferred contributions. The bill also makes a technical change.

*Patron - Tata*

**HB2097 Virginia Retirement System.** Exempts the purchase of disability determination services by the Virginia Retirement System from the Public Procurement Act.

*Patron - Tata*

**HB2370 Health insurance credits; teachers and other local school board employees.** Increases the monthly health insurance credit for retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill eliminates an overall cap to the credit, and adds retired full-time, salaried employees of local school boards as recipients of the credit. The bill establishes a formula for determining the monthly health insurance credit for teachers whose retirement was for disability. The bill is applicable for current and future retirees from positions as teachers or full-time, salaried employees of local school boards. Pursuant to this bill, a locality would no longer have the option of providing an additional \$1 health insurance credit to retired teachers, and the maximum credit that a teacher could receive is \$4. This bill is identical to SB 1218.

*Patron - Tata*

**HB2557 Work-related short-term and long-term disability; state police officers.** Provides that the Commonwealth will continue to pay the employer's share of health insurance coverage for the state police officer and his family or dependents during periods of work-related long-term disability. Currently, the employee is responsible for the full cost of coverage during long-term disability. In addition, the bill requires that a law-enforcement agency provide a totally and permanently disabled employee with information about benefits available under the Line of Duty Act and requires that the agency assist such employee with filing a Line of Duty Act claim. This bill contains an emergency clause.

*Patron - Cox*

**HB2880 Commonwealth Health Research Fund.** Provides that the investment of moneys in the Commonwealth Health Research Fund would be governed exclusively by the provisions of Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of Title 51.1. This bill is identical to SB 793.

*Patron - McEachin*

**SB789 Local trusts for providing postemployment public benefits.** Provides that counties, cities, towns, school divisions, and certain political subdivisions may establish local trusts or equivalent arrangements to fund postemployment benefits other than pensions.

*Patron - Stosch*

**SB793 Commonwealth Health Research Fund.** Provides that the investment of moneys in the Commonwealth Health Research Fund would be governed exclusively by the provisions of Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of Title 51.1. This bill is identical to HB 2880.

*Patron - Stosch*

**SB1166 Retirement; benefits for certain state and local public safety officers.** Makes several changes to the benefits of state and local public safety officers and the funding of such benefits. All deputy sheriffs would become members of the Law Enforcement Officers' Retirement System (LEOs) beginning July 1, 2008. State police officers would receive a 1.85% average final compensation retirement multiplier, and would continue to receive the additional annual supplement. Beginning July 1, 2007, the Compensation Board would reimburse a portion of the costs incurred by a county or city for the additional benefits, based upon the county's or city's local fiscal stress index. This bill incorporates SB 875.

*Patron - Stolle*

**SB1218 Health insurance credits; teachers and other local school board employees.** Increases the monthly health insurance credit for retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill eliminates an overall cap to the credit, and adds retired full-time, salaried employees of local school boards as recipients of the credit. The bill establishes a formula for determining the monthly health insurance credit for teachers whose retirement was for disability. The bill is applicable for current and future retirees from positions as teachers or full-time, salaried employees of local school boards. Pursuant to this bill, a locality would no longer have the option of providing an additional \$1 health insurance credit to retired teachers, and the maximum credit that a teacher could receive is \$4. This bill incorporates SB 777, SB 831, SB 860, and SB 1170, and is identical to HB 2370.

*Patron - Hanger*

## Failed

**HB1637 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 10 or more years of creditable service earned as a teacher. The bill applies to teachers first retiring on or after July 1, 2007.

*Patron - Shuler*

**HB1731 Virginia Retirement System; retirees hired as nurses.** Provides that retired persons who are members of the Virginia Retirement System may be hired as nurses without interrupting their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by VRS and the Joint Legislative and Audit Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

*Patron - Valentine*

**HB1756 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 - Kilgore*

**HB1766 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.

*Patron - Shuler*

**HB1828 Virginia Retirement System; investments related to Sudan.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies meeting certain criteria gauged to be related to the genocide in the Darfur region of Sudan.

*Patron - Valentine*

**HB1833 Health insurance credits for retired state employees.** Increases the monthly health insurance credit for retired state employees from \$4 for each year of creditable service to \$6 for each year of creditable service.

*Patron - Putney*

**HB1852 Virginia Law Officers' Retirement System; agency heads.** Provides that no agency head shall be eligible to be a member of the Virginia Law Officers' Retirement System (VaLORS) during the period that he serves as agency head, except for the Chief of the Capitol Police. However, nothing shall affect any benefits attributable to an agency head's service as a member in VaLORS before or after his service as agency head.

*Patron - Wittman*

**HB1870 Virginia Retirement System; purchase of prior service credit.** Clarifies that National Guard service is one of the types of prior military service that can be purchased and removes the requirement that military service must be active duty in order to be purchased.

*Patron - Lewis*

**HB1881 Health insurance credits for retired teachers.** Increases the monthly health insurance credit for retired teachers from \$2.50 for each year of creditable service to \$4 for each year of creditable service. The bill also removes a monthly cap for such credit and reduces the eligibility requirement from 15 years of creditable service to five years of creditable service.

*Patron - Caputo*

**HB1882 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 five or more years of creditable service earned as a teacher. The bill applies to current and future retirees.

*Patron - Caputo*

**HB1915 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 five or more years of creditable service earned as a teacher. The bill applies to teachers first retiring on or after July 1, 2007.

*Patron - Ward*

**HB1926 Retirement benefits for certain state employees; early retirement for the terminally ill.** Permits early retirement for state employees who have 20 more years of creditable service and who are terminally ill, even though they are less than 50 years of age.

*Patron - Griffith*

**HB1941 Virginia Retirement System; defined contribution retirement plan.** Creates a new defined contribution retirement plan for all employees who begin employment on or after July 1, 2008, in lieu of participating in any other retirement plan administered by the Virginia Retirement System. All other employees may elect to participate in the plan in lieu of participating in any other retirement plan administered by the Virginia Retirement System.

*Patron - Purkey*

**HB1967 Virginia Law Officers' Retirement System; agency heads.** Provides that no agency head shall be eligible to be a member of the Virginia Law Officers' Retirement System (VaLORS) during the period that he serves as agency head, except for the Chief of the Capitol Police. However, nothing shall affect any benefits attributable to an agency head's service as a member in VaLORS before or after his service as agency head.

*Patron - Lewis*

**HB1972 Retirement; teachers and administrative faculty of institutions of higher education.** Provides that teachers and administrative faculty of institutions of higher education who are covered under an optional retirement plan (in lieu of the Virginia Retirement System) and have 10 years of service with the Commonwealth may make a one-time, irrevocable election to transfer into VRS.

*Patron - Shuler*

**HB1973 Optional retirement plan; institutions of higher education.** Provides that the annual contribution to optional retirement plans covering certain employees at institutions of higher education would not be less than the percentage contribution rate in effect that is generally applicable for state employees who are members of the Virginia Retirement System, including the five percent member contribution rate.

*Patron - Shuler*

**HB2094 Retirement benefits for local school superintendents.** Permits a retired member of the Virginia Retirement System to return to work as a local school division superintendent and still maintain his monthly retirement payments. Such option currently is available to certain other local school board instructional or administrative employees under certain conditions.

*Patron - Tata*

**HB2172 Retirement allowance for teachers; removal of sunset date.** Removes the sunset date (July 1, 2007) from the retirement provision that permits certain retired teachers to return to teaching and continue to receive retirement payments.

*Patron - BaCote*

**HB2246 Virginia Law Officers' Retirement System.** Permits early retirement for any member of the Virginia Law Officers' Retirement System who has 20 or more years of creditable service and who has suffered a life-threatening illness or medical condition that renders it hazardous to his health to continue in his employment, even though he is less than 50 years of age.

*Patron - Hogan*

**HB2420 Retirement; benefits for certain state and local public safety officers.** Makes several changes to the benefits of state and local public safety officers and the funding of such benefits. All deputy sheriffs would become members of the Law Enforcement Officers' Retirement System (LEOs). State police officers would receive a 2.0% average final compensation retirement multiplier and would continue to receive the additional annual supplement. Any member of LEOs would receive a 1.7% average final compensation retirement multiplier and the additional annual supplement. However, the multiplier for sheriffs would be increased from 1.7% to 2.0%, and an employer may elect to increase the multiplier to 2.0% for other classes of covered employees. The employer is responsible for paying the actuarial cost of the increase. Beginning July 1, 2007, the Compensation Board would reimburse 100% of each county's or city's employer contribution to the Virginia Retirement System for state-responsible deputy sheriffs. However, the reimbursement would be based upon the salaries of such state-responsible deputy sheriffs as fixed by the Board.

*Patron - Kilgore*

**HB2519 Virginia Retirement System; hiring retirees into covered positions.** Provides that any person retired under the Virginia Retirement System may be hired into positions otherwise covered under the Virginia Retirement System without interrupting his retirement benefits for up to five years under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as determined by VRS; (ii) the person retired under the normal retirement provisions of his retirement program; and (iii) the person's service performed and compensation received during the period of time will not count towards his retirement benefits.

*Patron - Iaquinto*

**HB2693 Virginia Retirement System; retirees hired as nurses.** Provides that retired persons who are members of the Virginia Retirement System may be hired as nurses without interrupting their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by VRS and the Joint Legislative and Audit Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

*Patron - Cline*

**HB2718 Virginia Law Officers' Retirement System.** Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 would instead be paid until Social Security retirement age.

*Patron - Barlow*

**HB2774 Judges; early retirement.** Allows a judge who is at least 50 years old with at least 18 years and six months of actual nonweighted service as a judge of the Commonwealth to retire upon expiration of his current term without any reduction in the retirement allowance, provided that the judge gives notice of his retirement to the relevant committee of the General Assembly at least 180 days before the expiration of the term.

*Patron - Hurt*

**HB2848 Retirement; benefits for certain state and local public safety officers.** Makes several changes to the benefits of state and local public safety officers and the funding of such benefits. All deputy sheriffs would become members of

the Law Enforcement Officers' Retirement System (LEOs). State police officers would receive a 2.2% average final compensation retirement multiplier and would continue to receive the additional annual supplement. Any member of LEOs would receive a 1.7% average final compensation retirement multiplier and the additional annual supplement. However, the multiplier for sheriffs would be increased from 1.7% to 2.2%, and an employer may elect to increase the multiplier to 2.2% for other classes of covered employees. The employer is responsible for paying the actuarial cost of the increase. For any county or city that did not provide LEOs benefits to deputy sheriffs as of January 1, 2007, such county or city would be required to provide such benefits to its deputy sheriffs beginning July 1, 2007. For such counties or cities, the Compensation Board would reimburse 100% of the county's or city's employer contribution to the Virginia Retirement System for state-responsible deputy sheriffs. However, the reimbursement would be based upon the salaries of such state-responsible deputy sheriffs as fixed by the Board.

*Patron - Moran*

**HB2866 Health insurance credits for retired school division employees.** Expands the recipients of the health insurance credits currently going to retired teachers to all retired employees of local school divisions.

*Patron - McEachin*

**HB2869 Virginia Retirement System; investments related to Sudan.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies meeting certain criteria gauged to be related to the genocide in the Darfur region of Sudan.

*Patron - McEachin*

**HB2871 State and local trusts for providing postemployment public benefits.** Creates trusts or equivalent arrangements to fund the costs of providing postemployment benefits other than pensions for the Commonwealth and for counties, cities, towns, school divisions, and other political subdivisions of the Commonwealth.

*Patron - McEachin*

**HB2904 Virginia Retirement System; information to localities.** Directs the Virginia Retirement System to provide each participating locality the locality-specific data as may be necessary for each locality to determine the specific assumptions that are driving its VRS-related costs, and to understand the retirement costs of different classes of covered employees.

*Patron - Spruill*

**HB2956 Virginia Retirement System; defined contribution plan.** Creates a new defined contribution plan for all employees who enter on or after July 1, 2007, into any position covered by any retirement plan administered by the Virginia Retirement System. The employee has 90 days after entering into such a position to elect to participate in the defined contribution plan or the retirement plan for which he is otherwise eligible.

*Patron - Bell*

**HB2984 Virginia Retirement System; retirement benefits for state and local employees.** Provides that (i) state police officers hired on or after July 1, 2007, shall have a retirement multiplier of 2.1% and shall not be eligible for the additional annual allowance now available, and that all other state police officers shall have a retirement multiplier of 1.85% (instead of 1.7%); (ii) all other employees covered under the Virginia Retirement System who currently have a retirement multiplier of 1.7% shall have a retirement multiplier of 1.75%;

(iii) employees hired on or after July 1, 2007, into a position covered under the State Police Officers' Retirement System (SPORS), the Virginia Law Officers' Retirement System (VaLORS), or a local law-enforcement position with retirement coverage comparable to that of SPORS, who already were vested under either of the other two of these three retirement programs, may choose to maintain coverage under the vested program; (iv) for employees hired on or after July 1, 2007, into a position covered by the Virginia Retirement System, the age and creditable service requirement for unreduced early retirement allowance is changed from 50 years of age and 25 years of service to 55 years of age and 30 years of service; (v) for local law enforcement employees hired on or after July 1, 2007, localities may provide retirement benefits comparable to that provided under VaLORS (and not that provided under SPORS); and (v) the Compensation Board shall reimburse localities, based on the local fiscal stress index, for a portion of the additional cost to the localities of providing local law-enforcement employees retirement coverage comparable to that provided under the State Police Officers' Retirement System (SPORS), or the Virginia Law Officers' Retirement System (VaLORS).

*Patron - Ingram*

**HB3009 Local juvenile detention employees; retirement system.** States that localities may provide benefits to local employees of juvenile detention facilities who provide direct care or supervision to detainees equivalent to those provided under the State Police Officers' Retirement System.

*Patron - Marsden*

**HB3014 Health insurance credits; retired teachers.** Increases the monthly health insurance credit for retired teachers to \$4 for each full year of service, with no maximum. Also reduces the amount of service time to be eligible for this credit from 15 years to five years.

*Patron - Ward*

**HB3027 Health insurance credits; certain retired public officers and employees.** Increases the monthly health insurance credit from \$1.50 to \$2.50 for each full year of creditable service for retired constitutional officers, employees of constitutional officers, general registrars, employees of general registrars, and local social service employees.

*Patron - Ingram*

**SB777 Health insurance; credits for retired teachers.** Increases the amount of the monthly health insurance credit for retired teachers from \$2.50 to \$4 per year of service. The maximum monthly credit would not exceed \$120. This bill was incorporated into SB 1218.

*Patron - Potts*

**SB802 Virginia Law Officers' Retirement System.** Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 would instead be paid until Social Security retirement age. This bill was incorporated into SB 1156.

*Patron - Ruff*

**SB813 Retirement benefits for local school superintendents.** Permits a retired member of the Virginia Retirement System to return to work as a local school division superintendent and still maintain his monthly retirement payments. Such option currently is available to certain other local school board instructional or administrative employees under certain conditions.

*Patron - Ruff*

**SB831 Health insurance credits; retired teachers.** Increases the monthly health insurance credit for retired teachers to \$4 for each full year of service, with no maximum. Also reduces the amount of service time to be eligible for this credit from 15 years to five years. This bill was incorporated into SB 1218.

*Patron - Devolites Davis*

**SB850 Virginia Retirement System; optional retirement benefits.** Provides that local public school boards and political subdivisions of counties, cities, and towns may not offer or provide any optional retirement benefit under the Virginia Retirement System unless authorization for the same is provided by the respective governing body of the county, city, or town.

*Patron - Lambert*

**SB851 Virginia Retirement System; elected members of local governing bodies.** Adds as members of VRS citizen-elected members of the governing bodies of counties, cities, and towns.

*Patron - Lambert*

**SB860 Health insurance credits; teachers and other local school board employees.** Increases the monthly health insurance credit for 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 retired full-time, salaried employees of local school boards as recipients of the credit. The bill is applicable for current and future retirees from positions as teachers or full-time, salaried employees of local school boards. As is the case under current law, retired local government employees, other than teachers and employees of local school boards, with at least 15 years of creditable service may, at the option of the locality, receive a monthly health insurance credit equal to \$1.50 for each full year of the retired member's creditable service. This bill was incorporated into SB 1218.

*Patron - Reynolds*

**SB875 Retirement multiplier for public safety officers.** Increases the retirement multiplier for hazardous duty service performed by public safety officers by 0.025% for each full year over age 50 at the time of the member's retirement and by an additional 0.025% for each full year of creditable service in excess of 25 years at the time of the member's retirement. The retirement multiplier would be capped at 2.2%. This bill was incorporated into SB 1166.

*Patron - McDougle*

**SB889 Virginia Law Officers' Retirement System (VALORS).** Adds as members of VALORS, Department of Corrections maintenance workers whose normal duties require them regularly to be in the presence of inmate populations.

*Patron - Deeds*

**SB895 Virginia Law Officers' Retirement System (VALORS).** Adds conservation officers of the Department of Conservation and Recreation as members of VALORS.

*Patron - Deeds*

**SB962 Virginia Law Officers' Retirement System (VALORS).** Adds juvenile probation and parole officers as members of VALORS.

*Patron - Quayle*

**SB975 Retirement; teachers and administrative faculty of institutions of higher education.** Provides that teachers and administrative faculty of institutions of higher

education who are covered under an optional retirement plan (in lieu of the Virginia Retirement System) and have 10 years of service with the Commonwealth may make a one-time, irrevocable election to transfer into VRS.

*Patron - Edwards*

**FSB976 Optional retirement plan; institutions of higher education.** Provides that the annual contribution to optional retirement plans covering certain employees at institutions of higher education would not be less than the percentage contribution rate in effect that is generally applicable for state employees who are members of the Virginia Retirement System, including the five percent member contribution rate.

*Patron - Edwards*

**FSB977 Mandatory retirement for judges.** Increases the mandatory retirement age for judges from age 70 to age 75.

*Patron - Edwards*

**FSB1087 Virginia Retirement System; creditable compensation of teachers.** Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

*Patron - Puckett*

**FSB1156 Virginia Law Officers' Retirement System.** Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 would instead be paid until Social Security retirement age. This bill incorporates SB 802.

*Patron - Quayle*

**FSB1170 Health insurance credit for retired teachers.** Increases the monthly cap for health insurance credits provided to retired teachers by eliminating the cap on the number of years of service used to compute the credit. This bill was incorporated into SB 1218.

*Patron - Stolle*

**FSB1311 Judges; early retirement.** Allows a judge who is at least 50 years old with at least 15 years of creditable service to retire upon expiration of his current term without any reduction in the retirement allowance, provided that the judge gives notice of his retirement to the relevant committee of the General Assembly at least 180 days before the expiration of the term.

*Patron - Hawkins*

**FSB1331 Virginia Retirement System; investments related to Sudan.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies meeting certain criteria gauged to be related to the genocide in the Darfur region of Sudan.

*Patron - Cuccinelli*

## Persons with Disabilities

### Passed

**HB2269 Statewide Independent Living Council (SILC) and Statewide Independent Living Fund.** Authorizes the SILC to apply for and accept grants, gifts, donations and bequests on behalf of the Council for deposit in the Fund. This bill is identical to SB 923.

*Patron - Ebbin*

**HB2732 Brain and spinal cord injury registry.** Specifies that the registry shall include all brain and spinal cord injuries, regardless of severity, and updates the language relating to research on human subjects to be consistent with state and federal law. The bill also exempts physicians from the reporting requirement, and changes the timeline for reporting to within 30 days of identification for spinal cord injuries, to be consistent with the requirement for brain injuries.

*Patron - Englin*

**SB923 Statewide Independent Living Council (SILC) and Statewide Independent Living Fund.** Authorizes the SILC to apply for and accept grants, gifts, donations and bequests on behalf of the Council for deposit in the Fund. This bill is identical to HB 2269.

*Patron - Ticer*

### Failed

**HB2572 Disabilities served by the Department of Rehabilitative Services; autism.** Includes medically diagnosed autism spectrum disorders under the definition of "functional and central nervous system disabilities" for purposes of establishing the Department as the agency to coordinate rehabilitative services and to provide comprehensive assessment of the need for services.

*Patron - Shannon*

**SB1216 Economic Development for Virginians with Disabilities Grant Program.** Creates a grant fund for distribution to nonprofit organizations that sell donated goods and spend at least 75% of their revenues employing or training people with disabilities or people with a workplace disadvantage. The term "people with a workplace disadvantage" means people who have had felony convictions or past alcohol or substance abuse problems. The grant funds are to assist with capital costs associated with construction of retail stores and other employment facilities. The Secretary of Health and Human Resources shall administer the program. This bill is contingent upon the appropriation of funds.

*Patron - Hanger*

## Police (State)

### Passed

**HB2372 Senior Alert Program.** Creates a program for local, regional, or statewide notification of a missing senior adult. The bill defines a missing senior adult as an adult who is over 60 years of age, suffers from a cognitive impairment that renders him unable to provide care to himself without assistance (including a diagnosis of Alzheimer's Disease or dementia), and whose whereabouts are unknown and whose disappearance poses a credible threat to his health and safety. The program is similar to the Amber Alert Program for missing children. The bill also provides that no police or sheriff's department shall establish or maintain any policy that requires a waiting period before a missing senior adult report will be accepted. Such departments are also required, within two hours of receiving such a report, to enter identifying and descriptive information about the missing senior adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the information to the Department of State Police, notify other law-enforcement agencies in

the areas, and initiate an investigation of the report. This bill is identical to SB 1117.

*Patron - Dudley*

**HB2410 Virginia Amber Alert Program.** Amends the definition of an "abducted child" to include a person who is enrolled in a secondary school in the Commonwealth regardless of age.

*Patron - Athey*

**HB2752 Virginia Amber Alert Program; use of certain technology.** Requires the State Police, where appropriate and when an existing system is available, to use automatic dialing-announcing device technology to alert residents in a particular geographic area of an Amber Alert. The calls would be targeted to the area where the abducted child was most recently seen. An automatic dialing-announcing device is one that selects and dials telephone numbers to disseminate a pre-recorded or synthesized message.

*Patron - Hurt*

**HB3008 Uniform crime reports; distributed in an electronic format.** States that the Superintendent of State Police shall publish and distribute uniform crime reports in an electronic format to the General Assembly and office of the Governor; the availability of the reports shall be publicized to all law-enforcement agencies, attorneys for the Commonwealth, and the courts.

*Patron - Marsden*

**SB1117 Senior Alert Program.** Creates a program for local, regional, or statewide notification of a missing senior adult. The bill defines a missing senior adult as an adult who is over 60 years of age, suffers from a cognitive impairment that renders him unable to provide care to himself without assistance, and whose whereabouts are unknown and whose disappearance poses a credible threat to his health and safety. The program is similar to the Amber Alert Program for missing children. The bill also provides that no police or sheriff's department shall establish or maintain any policy that requires a waiting period before a missing senior adult report will be accepted. Such departments are also required, within two hours of receiving such a report, to enter identifying and descriptive information about the missing senior adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the information to the Department of State Police, notify other law-enforcement agencies in the areas, and initiate an investigation of the report. This bill is identical to HB 2372.

*Patron - Rerras*

## Failed

**HB1618 Department of State Police; immigration laws.** States that it is the responsibility of the Governor to enter into an agreement with federal Immigration and Customs Enforcement that would allow the Department of State Police to enforce civil immigration laws.

*Patron - Frederick*

**HB2255 Amber Alerts; secondary school students.** Amends the definition of an abducted child for purposes of the Amber Alert program to include a person enrolled in a secondary school in the Commonwealth, regardless of age. Current law applies only to children 17 years of age or younger. The amendment would allow an Amber Alert to be issued in the case of a missing high school student who is over the age of 17. This bill was incorporated into HB 2410.

*Patron - Waddell*

**HB2933 Enforcement of federal immigration laws.** Requires that the Commonwealth of Virginia enter into an agreement with the United States Department of Homeland Security, Immigration and Customs Enforcement to authorize certain members of the Department of State Police and employees of the Department of Corrections to enforce civil immigration violations in the Commonwealth. This bill was incorporated into HB 2926.

*Patron - Miller, J.H.*

## Prisons and Other Methods of Correction

### Passed

**HB1932 Jail farms.** Clarifies that a local jail farm may be used to hold or confine a person who could be held or confined in a regional or local jail. This bill is identical to SB 1016.

*Patron - Rapp*

**HB2041 Department of Correctional Education; online learning.** Empowers the Department to develop programs for restricted Internet access to online higher education courses by incarcerated persons.

*Patron - Hamilton*

**HB2418 Transfer of prisoner to facility housing death chamber; confidentiality of execution records.** Provides that the identities of persons designated by the Director to conduct an execution shall be exempt from the Freedom of Information Act, and shall not be subject to discovery or introduction as evidence in any civil proceeding, unless good cause is shown. The bill also removes the specific time constraints on when a prisoner condemned to die must be transferred to the correctional center that houses the death chamber.

*Patron - Kilgore*

**HB2625 Prisoners; identification of learning disabilities.** Provides that the Superintendent of the Department of Correctional Education, in cooperation with the Department of Corrections, shall create a system for identifying prisoners with learning disabilities.

*Patron - Reid*

**SB836 Department of Corrections; physical examination of prisoner; ability to work.** Requires the Department to medically examine each prisoner within 30 days prior to a work assignment in food services, medical services, or cosmetological services, and within 30 days prior to a change in work assignment.

*Patron - Devolites Davis*

**SB953 Department of Correctional Education; videoconferencing.** Empowers the Department to provide access to postsecondary education that includes college credit, certification through an accredited vocational training program, or other accredited continuing education program, using videoconferencing technology.

*Patron - Quayle*

**SB1016 Jail farms.** Clarifies that a local jail farm may be used to hold or confine a person who could be held or confined in a regional or local jail. This bill is identical to HB 1932.

*Patron - Norment*

**SB1047 Conveyance of state-owned property; Southampton County.** Conveys a parcel of real property to Southampton County from the Board of Corrections for use by the sheriff's office.

*Patron - Lucas*

**SB1069 Pilot programs for drug and alcohol treatment in local and regional jails.** Allows for drug and alcohol treatment programs for inmates housed within local and regional jails. Requires each drug and alcohol program to submit a report to the General Assembly by December 1, 2007, concerning the participants, accessibility, and the efficacy of the program.

*Patron - McDougle*

**SB1082 Courthouse security; assessment.** Increases from \$5 to \$10 the part of the costs in each criminal or traffic case in district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance that is used to provide and maintain courthouse security.

*Patron - Puckett*

**SB1295 Transfer of prisoner to facility housing death chamber; confidentiality of execution records.** Provides that the identities of persons designated by the Director to conduct an execution are confidential, exempt from the Freedom of Information Act, and not subject to discovery or introduction as evidence in any civil proceeding unless good cause is shown. The bill also removes the specific time constraints on when a prisoner condemned to die must be transferred to the correctional center that houses the death chamber. The bill is identical to HB 2418.

*Patron - Norment*

**SB1378 Contracts for the provision of community-based residential services; localities authorized to approve or deny.** Provides that upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services, the Director of Corrections shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue.

*Patron - Obenshain*

**SB1385 Corrections Private Management Act.** Adds entities that provide corrections services to federal inmates to the definition of prison contractor and provides that security employees of a prison contractor are allowed to use force and exercise their powers and authority while providing inmate security for prisoners at a medical facility in the Commonwealth.

*Patron - Stolle*

## Failed

**HB2034 Payment for health care costs of prisoners.** Requires that payment by local and state correctional facilities for costs incurred for health care for prisoners not exceed the lesser of the amount that would be paid under Medicare or Medicaid.

*Patron - Hamilton*

**HB2512 Regional jails.** Allows the state to partner with a city to establish, maintain, and operate a regional jail in the same manner as a local governing body. The State Board of

Corrections with the city's sheriff and one other local representative would serve as the managing board or authority.

*Patron - Jones, D.C.*

**HB2633 Parole; basis for parole denial.** Provides that once a person is eligible for parole, the nature of the offense shall not be used in determining that person's suitability for parole, and no person shall be denied parole based solely on the nature of the offense after being eligible for parole for five years.

*Patron - Reid*

**HB2745 Child-friendly visiting rooms in state and local correctional facilities.** Requires each state correctional facility to provide child-friendly visiting rooms that include activities for young children, and regulations that do not penalize inmates with sanctions, such as the termination of a visit, when visiting children display normal child behavior.

*Patron - Englin*

**HB2872 Time and manner of payment to local correctional facilities.** Requires the Compensation Board to reimburse local governing bodies for state responsible prisoners in local correctional facilities every 60 days instead of the current quarterly reimbursement.

*Patron - McEachin*

**HB2918 Courthouse security; assessment.** Increases from \$5 to \$15 the part of the costs in each criminal or traffic case in district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance that is used to provide and maintain courthouse security.

*Patron - Bowling*

**HB3174 Comprehensive Parole Reduction Act.** Requires the Parole Board to adopt an analytical scale to assess risk and establishes a Parole Guidelines Review Panel. The bill also provides that, with some exceptions, once a person is considered eligible for parole the Parole Board shall not use the nature of the offense in determining that person's eligibility or suitability for release on parole and no person shall be denied parole based solely on the nature of the offense after the fifth year of becoming eligible.

*Patron - BaCote*

**SB754 Child-friendly visiting rooms in state correctional facilities.** Requires each state correctional facility to provide child-friendly visiting rooms to promote positive bonds between incarcerated parents and their children. Requires Department of Corrections to promulgate regulations that do not penalize inmates with sanctions, such as termination of a visit, when visiting children display normal child behavior.

*Patron - Miller*

**SB773 Child-friendly visiting rooms in state and local correctional facilities.** Requires each state correctional facility to provide child-friendly visiting rooms that 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, when visiting children display normal child behavior. This bill was incorporated into SB 754.

*Patron - Miller*

**SB834 Earned sentence credits for rehabilitative programs.** Allows five additional sentence credits for each 30 days of participation in a rehabilitative program, provided the inmate has been convicted of a non-violent felony committed on or after January 1, 1995, participates in an approved educa-

tional program, and completes a mental health or substance abuse treatment program deemed appropriate by the Director. This bill was incorporated into SB 1287.

*Patron - Devolites Davis*

**SB1079 Therapeutic Incarceration Program.** Creates a sentencing alternative, Therapeutic Incarceration Program, for a defendant who otherwise would be sentenced to three years or longer for a felony conviction and who the court determines requires treatment for drug or alcohol substance abuse. The Program allows the court to sentence the defendant to an intensive therapeutic community-style substance abuse treatment program of a duration of 18 months or longer and a transitional therapeutic community-style substance abuse reentry program of six months and, after successful completion, to suspend the remaining balance of the imposed sentence.

*Patron - Puckett*

**SB1080 Telephone systems within state correctional facilities.** Creates a nonreverting Prisoner Reentry Fund consisting of payments received as commission payments for telephone systems established within correctional facilities. The fund is to be used for independent prerelease and postrelease transition services programs and administered through the Department of Criminal Justice Services. The bill also caps commission payments to the Commonwealth at 10% of the amount paid by the individuals who use the service.

*Patron - Puckett*

**SB1287 Good conduct allowances; 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 30% credit for those prisoners who have demonstrated exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate. Creates a mandatory functional literacy program for all mentally capable inmates that offers testing at a ninth-grade level. The bill also provides, for certain prisoners, credits for reading and passing examinations on books approved by the Department of Correctional Education. This bill was incorporated into SB 834.

*Patron - Marsh*

## Professions and Occupations

### Passed

**HB1682 Board of Medicine; information to complaining parties.** Requires health regulatory boards to provide the source and subject of a complaint or report filed about a person licensed, certified, or registered by a health regulatory board with information about the investigative and disciplinary procedures of the Department of Health Professions. Adds the provision that the relevant board may notify the source of the complaint or report of the process that the board followed in making a determination that a disciplinary proceeding need not be instituted. Provides that information on the date and location of any disciplinary proceeding, allegations against the respondent, and the list of statutes and regulations the respondent is alleged to have violated shall be provided to the source of the complaint or report by the relevant board prior to the proceeding and that the source shall be notified of the disposition of the disciplinary case.

*Patron - Callahan*

**HB1798 Department of Professional and Occupational Regulation; boxing and wrestling events; Martial Arts Advisory Board.** Creates the Martial Arts Advisory Board as an advisory board to advise the Director of the Department of Professional and Occupational Regulation concerning regulations pertaining to the conduct of any martial arts competition. The bill provides for the membership of this new board, terms of members, compensation, and staff. In addition, the bill includes a second enactment clause providing that its provisions will not become effective unless funds are in the appropriation act to cover its expenses.

*Patron - Cosgrove*

**HB1801 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; powers; cease and desist orders; civil penalty.** Authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to issue cease and desist orders for unlicensed activity. The bill provides for a right of appeal of the Board's issuance of such an order and specifies the civil penalty.

*Patron - Cosgrove*

**HB1953 Burial and funeral expenses; preneed contracts.** Authorizes an incorporated association that is authorized to sell burial association group life insurance certificates, and that has the principal purpose of assisting its members in financial planning for their funerals and burials and obtaining insurance for the payment for funeral and burial expenses, to serve as the trustee of a trust established to fund a preneed funeral contract. The measure also clarifies the method of calculating the inflation adjustment that is required when a life insurance or annuity contract is used to fund a preneed funeral contract. This bill incorporates HB 2722.

*Patron - Morgan*

**HB1963 Prescription of certain controlled substances and devices by licensed physician assistants.** Authorizes licensed physician assistants to prescribe Schedule II through VI controlled substances and devices on and after July 1, 2007.

*Patron - O'Bannon*

**HB2037 Administration of drugs or devices; addition of medical assistants.** Authorizes personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine who are acting pursuant to a specific order for a patient and under a doctor's direct and immediate supervision to administer controlled substances, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for the administration.

*Patron - Hamilton*

**HB2064 Department of Professional and Occupational Regulation; Real Estate Board; educational requirements for salespersons and brokers.** Increases from 16 to 24 the number of continuing education hours that must be completed by a broker during a two-year license term. The bill also (i) requires a minimum of three hours of continuing education for salespersons and brokers to be on ethics and standards of conduct, (ii) provides a breakdown of the continuing education curriculum, (iii) changes from two years to one year the time in which a new licensee must complete the Board's 30-hour educational curriculum, and (iv) provides for the Board to develop regulations for ensuring the quality of real estate education and the requirements for proof of identity for applicants taking the principles of real estate examination. The bill has a delayed effective date of July 1, 2008 for the additional educational

requirements for real estate salespersons and the increased number of hours of continuing education required of real estate brokers.

*Patron - Cox*

**HB2087 Health professions; direct access to physical therapists.** Allows patients to seek treatment from a licensed physical therapist, who also holds a certain certificate, without a referral when the following conditions are met: (i) the patient, at the time of presentation to a physical therapist, is not under the care of a physician; (ii) the patient identifies a practitioner from whom he intends to seek treatment if his condition does not improve; (iii) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and (iv) the physical therapist notifies the identified practitioner no later than three days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The bill also contains requirements for a certificate allowing physical therapists to provide such services. This bill is identical to SB 1305.

*Patron - Janis*

**HB2157 Board of Medicine; disciplinary procedure.** Requires the Board to make available via any department website information regarding any final orders together with any associated notices that impose disciplinary action against a licensee of the Board. Prohibits the Board from posting notices that have not been adjudicated. Provides that notices and orders that did not result in disciplinary action may be removed upon written request of the licensee. Limits information regarding claims provided to consumers to medical malpractice judgments and settlements of more than \$10,000 within the most recent 10-year period. Changes requirement that Board assess competency of person on whose behalf three medical malpractice claims are paid within a 10-year period to requirement that the Board assess the competency of a person on whose behalf three medical malpractice settlements of more than \$10,000 are paid within the most recent 10-year period.

*Patron - O'Bannon*

**HB2178 Schedule III controlled substances.** Adds embutramide to the list of Schedule III controlled substances.

*Patron - Morgan*

**HB2212 Health regulatory boards; summary restriction of licenses.** Allows health regulatory boards to summarily restrict the license, certificate, registration or multi-state licensure privilege of any person holding a license, certificate, registration, or licensure privilege issued by it, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The board shall schedule an informal conference within a reasonable time of the date of the summary restriction.

*Patron - O'Bannon*

**HB2363 Equine dental technicians; registration.** Sets forth procedures for (i) registration and (ii) denial, revocation, or suspension of registration. Establishes a penalty for performing specified activities by an unregistered individual. Specifies that practice as an equine dental technician prior to the effective date of regulations promulgated to implement this act shall not constitute grounds for disciplinary action by the Board of Veterinary Medicine.

*Patron - Scott, E.T.*

**HB2377 Dentistry licensure; removes exam requirement.** Removes the requirement that an applicant for a license to practice dentistry has not failed a clinical examina-

tion required by the Board in the five years immediately preceding his application.

*Patron - Hamilton*

**HB2522 Board of Branch Pilots; limited branch pilot license.** Removes the reference to draft or ship unit measurements as the basis for determining the vessels that individuals holding a limited branch pilot license may pilot. Effective October 1, 2006, the State Corporation Commission, which regulates fees of the licensed branch pilots, discontinued its usage of a formula that used unit terminology and instituted a formula based on gross tonnage. The change will allow the Board to use the gross tonnage terminology as the basis for determining the vessels that such individuals may pilot. The bill is identical to SB 992.

*Patron - Iaquinto*

**HB2595 Department of Professional and Occupational Regulation; Fair Housing Board; membership.** Changes the membership of the Fair Housing Board by increasing from one to two the number of representatives of the residential property management industry, at least one of whom is a member of a property owner's or condominium unit owners' association. The bill also decreases from three to two the number of citizen members.

*Patron - Rapp*

**HB2649 Board of Pharmacy; grounds for discipline.** Consolidates, clarifies, and adds grounds for the discipline of persons and entities regulated by the Board of Pharmacy.

*Patron - Jones, S.C.*

**HB2757 Board for Contractors; exemptions; certain career and technical education projects.** Exempts from the contractor licensing requirements work undertaken by students as part of a career and technical education project as defined in § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter 13 of Title 22.1 for the construction of portable classrooms or single family homes.

*Patron - Hurt*

**HB2839 Department of Professional and Occupational Regulation; Board for Soil Scientists and Wetland Professionals; requirements for professional wetland delineator certification.** Extends the waiver of the requirement for a reference from and supervision by a certified professional wetland delineator from July 13, 2006, to July 13, 2010. This bill contains an emergency clause.

*Patron - Hall*

**HB2994 Dental hygienists; authority to administer topical oral fluorides.** Authorizes dental hygienists to administer topical oral fluorides pursuant to an oral or written order or standing protocol issued by a dentist or a doctor of medicine or osteopathic medicine.

*Patron - Melvin*

**HB3061 Health professions; authority to send laboratory test results directly to patients.** Allows any health care practitioner licensed pursuant to Title 54.1 who orders a laboratory test or other examination of the physical condition of any person to, if so requested by the patient or his legal guardian, inform the laboratory or other facility conducting the test or examination to provide a copy of the report of the results directly to the patient or his legal guardian. This bill incorporates HB 2843 and is identical to SB 1341.

*Patron - Frederick*

**HB3162 Board for Contractors; elevator mechanics.** Requires the certification of elevator mechanics in order for them to practice their trade. The bill requires the Board for Contractors to issue temporary certifications in the event of a work stoppage or emergency under certain conditions. The bill contains technical amendments.

*Patron - Suit*

**SB992 Board of Branch Pilots; limited branch pilot license.** Removes the reference to draft or ship unit measurements as the basis for determining the vessels that individuals holding a limited branch pilot license may pilot. Effective October 1, 2006, the State Corporation Commission, which regulates fees of the licensed branch pilots, discontinued its usage of a formula that used unit terminology and instituted a formula based on gross tonnage. The change will allow the Board to use the gross tonnage terminology as the basis for determining the vessels that such individuals may pilot. The bill is identical to HB 2522.

*Patron - Blevins*

**SB1185 Real Estate Board; Real Estate Transaction Recovery Fund.** Allows interest on the Virginia Real Estate Transaction Recovery Fund to be used to educate the public as well as real estate licensees or to be transferred to the Virginia Housing Partnership Revolving Fund.

*Patron - Locke*

**SB1305 Health professions; direct access to physical therapists.** Allows patients to seek treatment from a licensed physical therapist, who also holds a certain certificate, without a referral when the following conditions are met: (i) the patient, at the time of presentation to a physical therapist, is not under the care of a physician; (ii) the patient identifies a practitioner from whom he intends to seek treatment if his condition does not improve; (iii) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and (iv) the physical therapist notifies the identified practitioner no later than three days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The bill also contains requirements for a certificate allowing physical therapists to provide such services. This bill is identical to HB 2087.

*Patron - Newman*

**SB1341 Health professions; authority to send laboratory test results directly to patients.** Requires any health care practitioner who, within the scope of his practice, orders a laboratory test or other examination of the physical condition of any person to provide a copy of the report of the results of such test or examination directly to the patient or his legal guardian, if so requested by the patient or his guardian. Authorizes a health care practitioner to inform the laboratory that a copy of the report of the results shall be provided directly to the patient or his legal guardian. Provides that the patient or his legal guardian shall be considered authorized to receive the report or result for the purposes of the federal Clinical Laboratory Improvement Amendments. This bill is identical to HB 3061.

*Patron - Puller*

**SB1395 Public Accountancy.** Provides a comprehensive update of the public accountancy statute including: (i) implementing a principles-based approach to licensure, (ii) setting out requirements and standards for issuing an individual and a firm license, for obtaining a license through renewal or reinstatement, and for the lifting of a suspension, (iii) clarifying

the consequences of having privileges revoked, and (iv) clarifying the standards of conduct and practice for the profession. The bill also facilitates mobility between states while clarifying that all persons and firms using the CPA title in Virginia or providing services to persons and entities located in Virginia are subject to the same accountancy statutes and regulations whether or not they are required to hold a Virginia license. In addition the bill authorizes the Board of Accountancy to enter into confidential consent agreements for minor violations. The bill requires the Board of Accountancy to adopt regulations concerning under what conditions confidential consent agreements will be offered. The bill contains technical amendments.

*Patron - Stosch*

**SB1426 Clients' Protection Fund.** Allows the Supreme Court to adopt rules assessing members of the Virginia State Bar an annual fee of up to \$25 to be deposited in the State Bar Fund and transferred to the Clients' Protection Fund. The authority to adopt such rules will expire on July 1, 2015.

*Patron - Chichester*

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## Failed

**HB1873 Data reporting requirements for doctors of medicine, osteopathy, and podiatry; expungement.** Provides that upon determination by the Board that a disciplinary report is without merit, or if an order has been vacated, the Board shall allow the named doctor to seek expungement of that part of his record. This bill was incorporated into HB 2157.

*Patron - Caputo*

**HB1938 Medical professions; what constitutes practice.** Adds "physician" to list of words that, when used in connection with a person's name, creates a presumption of intent to practice healing arts. Adds the requirement that no person other than those who have received a degree as a medical doctor or doctor of osteopathy shall use the term "physician" in connection with his name or practice.

*Patron - Purkey*

**HB1944 Criminal history background checks for medical practitioners.** Requires criminal history background checks for all individuals seeking initial licenses to practice medicine, osteopathic medicine, chiropractic, or podiatry. Authorizes the Board of Medicine to require background checks of individuals seeking to renew licenses at its discretion. Sets forth crimes for conviction of which the Board may deny a license.

*Patron - Purkey*

**HB2078 Clients' Protection Fund.** Allows the Supreme Court to adopt rules assessing members of the Virginia State Bar an annual fee of up to \$25 to be deposited in the State Bar Fund and transferred to the Clients' Protection Fund. The authority to adopt such rules will expire on July 1, 2015.

*Patron - Armstrong*

**HB2182 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; exemption from licensure.** Provides an exemption from licensure as an architect or professional engineer for the design of on-site treatment works consisting solely of an anaerobic septic tank treatment system with gravity conveyance to a gravity-distributed subsurface drain field.

*Patron - Saxman*

**HB2341 Auctioneers Board; continuing education; waiver.** Requires the Auctioneers Board to waive the continuing education requirements for any person continuously licensed by the Board for 10 years and who has not been the subject of any disciplinary action by the Board.

*Patron - Abbitt*

**HB2709 Cemetery operators and funeral establishments; prohibited acts.** Provides that the interment of human remains in a manner that increases the likelihood that earth burials will be unearthed by severe weather conditions, flooding, or other acts of God is a prohibited act for which the license of a cemetery company or funeral establishment may be suspended or revoked.

*Patron - Barlow*

**HB2842 Requirement that pharmacist sell and dispense drugs.** Requires a licensed pharmacy to sell and dispense drugs and devices regardless of any owners' or employees' religious or other personal beliefs. Requires that where a drug or device is not in stock at a pharmacy, a pharmacy shall (i) attempt to obtain the drug or device pursuant to standard reordering procedures or (ii) attempt to locate the drug or device at a pharmacy of the patient's choice and, if the drug or device is by prescription, transfer the prescription to that pharmacy. Creates an exception where there is a valid medical reason to refuse to sell or dispense a drug or device.

*Patron - Hall*

**HB2844 Salvinorin A as a Schedule I hallucinogenic.** Includes Salvinorin A, the active ingredient of the *Salvia Divinorum* plant, in controlled substance Schedule I as a hallucinogenic.

*Patron - O'Bannon*

**HB2950 Architects, professional engineers, land surveyors, and landscape architects; definitions.** Adds definitions for the terms "private entity," "public entity," and "utility."

*Patron - Cosgrove*

**SB741 Involuntary commitment hearings; law students.** Provides that it is not the unauthorized practice of law for a third-year law student enrolled at any law school in the Commonwealth to represent a petitioner in a commitment hearing for involuntary admission without the presence of a practicing attorney. The student must have completed coursework in evidence and trial advocacy and training. The student must inform the petitioner that he is not a licensed attorney, that he may not be compensated for his services, and that he can be held liable only for intentional malfeasance.

*Patron - Cuccinelli*

**SB872 Board of Nursing; continuing education requirements for nurses.** Directs the Board of Nursing to enact regulations requiring registered and practical nurses to complete continuing education programs in order to renew their licenses.

*Patron - Mcdougale*

**SB980 Supervision of physician assistants.** Expands the therapeutic activities that licensed physician assistants may perform under the supervision of a licensed physician or podiatrist to include treatment. The bill prohibits physician assistants from prescribing or dispensing drugs, except prescriptive authority authorized for licensed physician assistants pursuant to § 54.1-2952.1.

*Patron - Edwards*

**SB1093 Department of Professional and Occupational Regulation; Real Estate Board; applicants for initial licensure as a real estate broker.** Provides that individuals who have been actively engaged as a real estate salesperson for a period of five years are eligible to apply for initial licensure as a real estate broker.

*Patron - Puckett*

**SB1176 Pawnbrokers and secondhand dealers.** Adds the regulation of secondhand dealers and secondhand stores to current statutes regulating pawnbrokers. The bill also (i) requires secondhand dealers to prepare a daily report of goods and items sold to them, (ii) requires a pawnbroker to maintain records of each loan or transaction in the course of business for a period of one year, (iii) requires pawnbrokers and secondhand dealers to obtain a single thumbprint of the person pawning or selling an item, and (iv) authorizes localities to enact an ordinance requiring pawnbrokers and secondhand dealers to report their daily transactions electronically to a designated law-enforcement official of the locality. The bill adds secondhand dealers to the existing penalty provisions for pawnbrokers.

*Patron - Stolle*

**SB1324 Practice of nursing by emergency medical services personnel.** Authorizes licensed paramedics to engage in the practice of professional nursing, and to perform the duties associated with the practice of a registered nurse or a licensed practical nurse. Exempts licensed paramedics from the licensure requirements applicable to nurses.

*Patron - Cuccinelli*

**SB1391 Board of Pharmacy; membership.** Requires that of the eight licensed pharmacists appointed to the Board, at least one shall be a pharmacy benefit manager or a member of the managed care pharmacy industry. The bill also requires that consideration be given to the various practice settings in making appointments to the Board.

*Patron - Saslaw*

## Property and Conveyances

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### Passed

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**HB1816 Virginia Residential Landlord and Tenant Act; early termination of leases by military personnel.** Removes the provision that final rent, in the event of early termination of the rental agreement by military personnel, is to be prorated to the date of termination and payable at such time as would have otherwise been required by the terms of the rental agreement. The bill conforms the Virginia Residential Landlord and Tenant Act to federal law on this issue.

*Patron - Suit*

**HB1836 Condominium and Property Owners' Association Acts; display of flags.** Provides that no condominium instrument or declaration shall restrict or prohibit the display by a unit or lot owner of the flag of the United States or the flag of the Commonwealth of Virginia. The bill provides, however, that an association may restrict the display of such flag in the common areas and may establish reasonable restrictions as to the time, size, place, duration, and manner of placement or display. The bill also requires the public offering statement, resale certificate, or association disclosure packet to contain a statement of any restrictions on time, size, place,

duration, and manner of placement or display of the flags. The bill is identical to SB 969.

*Patron - Amundson*

**HB1838 Uniform Trust Code; trustee's duty to beneficiary.** Provides that if a trustee has a good faith belief that furnishing information to a beneficiary would be unreasonable under the circumstances or contrary to the purposes of the settlor he shall not be subject to removal or other sanctions.

*Patron - Fralin*

**HB1850 Condominium Act; escrow of deposits; posting of surety.** Authorizes the filing of a surety bond or letter of credit by the declarant of a condominium project with more than 50 units with the Real Estate Board in lieu of escrowing deposits. The amount of surety bonds or letters of credit is set forth in the bill.

*Patron - Saxman*

**HB1851 Property conveyance; certain real property to Caroline County for the use of the Rappahannock Area Community Services Board.** Authorizes the Governor to convey certain real property to Caroline County, for the assessed value as determined by the Caroline County Commissioner of the Revenue, for the use of the Rappahannock Area Community Services Board. The bill provides that such conveyance shall be made in a form approved by the Attorney General and that the appropriate officials of the Commonwealth are authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

*Patron - Wittman*

**HB2015 Condominium Act; commercial condominiums; escrow of deposits.** Eliminates the requirement for escrowing deposits in the context of disposition of a unit in a commercial condominium.

*Patron - Suit*

**HB2016 Condominium and Property Owners' Association Acts; insurance; deposit of funds; charges for and delivery of resale certificates/disclosure packets.** Requires any managing agent of a condominium and property owners' association to keep funds deposited with the managing agent in fiduciary trust accounts in a federally insured financial institution, and to keep such funds segregated from other assets of the managing agent. The bill also requires condominium associations to obtain a blanket fidelity bond or employee dishonesty insurance policy in a minimum amount of \$10,000. The bill allows condominium and property owners' associations to collect a fee for preparation of a resale certificate or disclosure packet, respectively, if the fee is established in the contract between the association and its managing agent and the fee is disclosed on the website of either the association or the managing agent. The bill requires the prompt payment of the above fee to the managing agent who furnishes the resale certificate/disclosure packet. The bill allows either type of association to deliver the resale certificate/disclosure packet by electronic means unless the purchaser or seller requests a paper copy. Currently, delivery by electronic means can only be done with the consent of the seller or purchaser. This bill contains technical amendments and is identical to SB 844.

*Patron - Suit*

**HB2017 Virginia Real Estate Time-Share Act; assumption of the risk.** Provides for limited liability of a developer, time-share association, or managing agent for injuries to persons using the time-share facilities if the developer, time-share association, or managing agent posts notice of such limited liability. The bill also provides that the homestead

exemption cannot be claimed against the debt or lien of the association. The bill allows for the use of email in certain circumstances and adds several new definitions relating to the limitation of liability described above.

*Patron - Suit*

**HB2147 Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement.** Provides that the failure of the court to hold a hearing in cases where there is a breach of the tenant's obligations under the Virginia Residential Landlord and Tenant Act or the rental agreement, which involves or constitutes a criminal or a willful act that is not remediable and poses a threat to health or safety, shall not be a basis for dismissal of the case.

*Patron - Albo*

**HB2188 Landlord termination of lease for rehabilitation; update of interest on security deposit.** Allows a landlord to terminate a lease upon 120 days' notice to tenant for substantial rehabilitation of a building with four or more rental units, regardless of the terms of the lease. The bill also (i) provides that a landlord is liable only for the tenant's actual damages proximately caused by the landlord's failure to exercise ordinary care in maintaining a habitable premises, (ii) authorizes landlords to receive on security deposits an annual interest rate equal to four percentage points below the Federal Reserve Board, rather than the current one percent., (iii) codifies current practice that a landlord may charge a \$50 processing fee for a bad check tendered for rent, and (iv) updates the 2007 interest rate on security deposits.

*Patron - Oder*

**HB2251 Uniform Trust Code; charitable trusts; public notice.** Provides that notice by publication shall be given to the general public when there is a court proceeding to modify or terminate a charitable trust or to sell its real estate, in order to give members of the public the opportunity to share their views with the Attorney General. A court shall make a finding that the required notice has been given before conducting any trial or hearing.

*Patron - Waddell*

**HB2395 Uniform Trust Code; deeding property.** Provides that deeds or other instruments that purport to convey or transfer real or personal property to a trust instead of to the trustee shall be deemed to have conveyed or transferred the property to the trustee as fully as if the property was conveyed or transferred directly to the trustee.

*Patron - Armstrong*

**HB2727 Condominium Act; conversion condominiums; rights of elderly and persons with disabilities.** Allows any tenant who is disabled or elderly to assign the exclusive right to purchase his unit to a government agency, housing authority, or certified nonprofit housing corporation, which shall then offer the tenant a lease at an affordable rent, in the case of a conversion condominium. The bill provides that the acquisition of such units by the governmental agency, housing authority, or certified nonprofit housing corporation shall not (i) exceed the greater of one unit or five percent of the total number of units in the condominium or (ii) impede the condominium conversion process. The bill defines affordable rent and certified nonprofit housing corporation. The bill is identical to SB 968.

*Patron - Englin*

**HB2765 Slayer statute; construction.** Provides that, in the event that federal preemption causes a person to, not for value, receive a benefit to which he is not entitled under Virginia's slayer statute, the improper beneficiary shall bestow the

benefit, either the item itself or its value, on the proper beneficiary.

*Patron - Hurt*

**HB2829 Doctrine of worthier title abolished.** Abolishes the doctrine of worthier title as a rule of law and as a rule of construction.

*Patron - Iaquinto*

**HB2832 Spendthrift trust; related duties.** The changes to § 55-541.05 make the statute more consistent with other related code sections and the common law rule imposing on trustees the duty to act in good faith in accordance with the terms of the trust and the interests of the beneficiaries. Changes to §§ 55-545.01, 55-545.03 and 55-545.06 make it clear that an exception creditor cannot reach a beneficiary's interest even if the instrument contains a spendthrift provision, allow the court to limit an exception creditor's access to a beneficiary's benefits, and define mandatory distribution, respectively.

*Patron - Waddell*

**HB2836 Validity of trust.** Corrects the numbering scheme of the statute to conform to the uniform trust law.

*Patron - Peace*

**HB2861 Condominium and Property Owners' Association Acts; amendment of documents; notice of meetings.** Authorizes notice of association meetings to be sent either by United States mail to all unit owners of record at the address of their respective units or to such other addresses as any of them may have designated to such officer or his agent, in addition to the option of hand delivery of such notices. The bill contains technical amendments fixing nomenclature specific to the Condominium Act.

*Patron - Moran*

**HB3181 City of Richmond escheat verdict.** Authorizes the Governor to disclaim any interest right or title to certain parcels of property located in the City of Richmond that had been the subject of an escheat proceeding dated December 29, 1989. The verdict of jury resulting from such escheat proceeding was properly filed among the land records of the circuit court although seemingly unrecognized by the former landowners, the City of Richmond, and subsequent purchasers. The bill does not prevent a suit to quiet title or any other judicial remedy available, which a party may pursue on any individual lot or parcel covered by the bill. An instrument of disclaimer, the form of which will be developed by the Attorney General, will be filed among the land records of the City of Richmond.

*Patron - McClellan*

**SB844 Condominium and Property Owners' Association Acts; insurance; deposit of funds; charges for and delivery of resale certificates/disclosure packets.** Requires any managing agent of a condominium and property owners' association to keep funds deposited with the managing agent in fiduciary trust accounts in a federally insured financial institution, and to keep such funds segregated from other assets of the managing agent. The bill also requires condominium associations to obtain a blanket fidelity bond or employee dishonesty insurance policy in a minimum amount of \$10,000. The bill allows condominium and property owners' associations to collect a fee for preparation of a resale certificate or disclosure packet, respectively, if the fee is established in the contract between the association and its managing agent and the fee is disclosed on the website of either the association or the managing agent. The bill requires the prompt payment of the above fee to the managing agent who furnishes the resale certificate/disclosure packet. The bill allows either type of association to

deliver the resale certificate/disclosure packet by electronic means unless the purchaser or seller requests a paper copy. Currently, delivery by electronic means can only be done with the consent of the seller or purchaser. The bill contains technical amendments. This bill is identical to SB 2016.

*Patron - Devolites Davis*

**SB968 Virginia Condominium Act; conversion of condominium sales.** Allows for a condominium conversion tenant who is disabled or elderly to assign his right to purchase to a government agency, housing authority, or certified tax exempt, nonprofit housing corporation. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Whipple*

**SB969 Condominium and Property Owners' Association Acts; display of flags.** Provides that no condominium instrument or declaration shall restrict or prohibit the display by a unit or lot owner of the flag of the United States or the flag of the Commonwealth of Virginia. The bill provides, however, that an association may restrict the display of such flag in the common areas and may establish reasonable restrictions as to the time, size, place, duration, and manner of placement or display. The bill also requires the public offering statement, resale certificate, or association disclosure packet to contain a statement of any restrictions on time, size, place, duration, and manner of placement or display of the flags. The bill is identical to HB 1836.

*Patron - Whipple*

**SB1083 Property conveyance; former Virginia State Police Area Office.** Conveys the former Virginia State Area Office on State Route 83 near the area known as Vansant, Virginia to the County of Buchanan. The bill is identical to HB 2915.

*Patron - Puckett*

**SB1114 Virginia Residential Property Disclosure Act; required disclosures.** Requires an owner of residential property to also notify purchasers that there are no pending violations of any local zoning ordinances that the owner has not abated or remedied, within a time period set out in the written notice of violation or established by a court of competent jurisdiction.

*Patron - Devolites Davis*

**SB1219 Lawful fence; definition.** Amends the definition of a lawful fence for fences of barbed wire and fences of boards. The definition of a lawful fence is also expanded to include any fence that is at least 42 inches high, constructed from materials sold for fencing and appropriate for the confinement of livestock, and installed so that livestock cannot creep through the fence. The bill also grants the Board of Agriculture and Consumer Services the authority to adopt rules and regulations to provide greater specificity as to the requirements of lawful fencing.

*Patron - Hanger*

**SB1384 Enjoyment of easement.** States that unreasonable interference with the enjoyment of an easement includes placing objects immediately adjacent to the easement not reasonably consistent with the uses contemplated by the grant of the easement. Fences, electric fences, cattle guards, gates, or division fences adjacent to the easement shall not constitute an object under the statute.

*Patron - Stosch*

## Failed

**HB1732 Requirement to report and remit escheat funds to the State Treasurer; exemption.** States that any account or property valued at \$15 or less is exempt from being reported and remitted to the State Treasurer (administrator).

*Patron - Purkey*

**HB1733 Property and conveyances; Landlord Tenant.** Provides residential tenants leasing detached single family dwellings the right to display campaign signs on rental property. Covers signs that advocate support or defeat of referendum issues submitted to voters under Title 24.2 or election of a candidate or slate of candidates for public office.

*Patron - Fralin*

**HB1771 Virginia Real Estate Time-Share Act; purchaser's right to surrender time-share.** Sets forth the process by which an owner of a time-share may surrender ownership of his time-share.

*Patron - Cosgrove*

**HB1871 Condominium and Property Owners' Association Acts; cancellation notices; methods of delivery.** Provides for electronic or facsimile delivery of cancellation notices by purchasers under prescribed conditions. This bill was incorporated into HB 2016.

*Patron - Suit*

**HB2494 Presumption of ownership as tenants by the entirety.** States that any time a married couple acquires property, it creates a presumption that they acquired it as tenants by the entirety.

*Patron - Albo*

**HB2581 Implied new home warranty.** Provides that the limitations period for actions for breach of an implied warranty on a new home is tolled for six months upon sending notice of the breach to the vendor. The purpose of this bill is to conform the implied warranty provision for new homes with § 55-79.79 which covers condominiums and already contains the six-month tolling period.

*Patron - Janis*

**HB2915 Property conveyance; former Virginia State Police Headquarters.** Conveys the former Virginia State Police Headquarters on State Route 83 near the area known as Vansant, Virginia to the County of Buchanan.

*Patron - Bowling*

**HB2976 Property; release of deed of trust.** Increases from \$500 to \$1,000 the amount forfeited by the lien creditor if the lien creditor has not, within 90 days after receiving the payoff payment, either provided the certificate of satisfaction to the settlement agent or delivered it to the clerk's office with the necessary fee for filing.

*Patron - Bell*

**HB3116 Private road easements; maintenance and improvements.** States that any property owner, along a private road that acts as an easement to more than one property, may maintain, repair, or improve the road without the express permission of the other property owners.

*Patron - May*

**SB804 Easements; landlocked parcels.** Requires, beginning July 1, 2007, that no parceled land can be subdivided so as to have a landlocked parcel unless a permanent, 20-foot right of way is provided. Property landlocked prior to that

date shall have an entrance and exit right-of-way of 20 feet if an existing utility right-of-way permits.

*Patron - Ruff*

**SB849 Virginia Condominium Act; assessments and taxation.** Provides that certain condominium units owned by the declarant shall be assessed and taxed against the declarant based solely upon the income derived from that unit.

*Patron - Lambert*

**SB964 Property Owners' Association Act; display of political signs.** Provides that, except as otherwise expressed in the declaration, no declaration or association's rules and regulations or architectural guidelines shall restrict or prohibit the display by a lot owner on his lot of a candidate sign or a sign that advertises the support or defeat of any question submitted to the voters in accordance with state election law. For the purposes of the bill, "candidate sign" means a sign on behalf of a candidate for public office or a slate of candidates for public office. The bill provides, however, that an association may restrict the display of such signs (i) in the common areas or (ii) in accordance with federal or state law, and may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of such signs, except that no restriction on the duration of the display of such signs shall be less than (a) 30 days before the primary election, general election or vote on the proposition or (b) seven days after the primary election, general election, or vote on the proposition. The bill also requires the association disclosure packet to contain a statement of any restrictions on the size, place, duration, and manner of placement or display of such signs. The bill contains technical amendments. The bill also clarifies that the display of the flag of (i) the United States, (ii) the Commonwealth, (iii) any active branch of the armed forces of the United States, or (iv) any military valor or service award of the United States also includes display on mailboxes and similar structures.

*Patron - Puller*

**SB1077 Board of Housing and Community Development; carbon monoxide detectors in certain rental dwelling units; report.** Requires the installation of carbon monoxide detectors in college dormitories and assisted living facilities by July 1, 2010. The bill also requires the Board of Housing and Community Development to promulgate regulations to require the installation of carbon monoxide detectors in new college dormitories and assisted living facilities. In addition, the bill requires the Board and the Fire Services Board to jointly establish a working group to develop a public education program focusing on the dangers of carbon monoxide poisoning and preventive measures that may be taken.

*Patron - Ruff*

**SB1409 Virginia Property Owners' Association; enforcement of rules; charges assessed for violations.** Authorizes the board of directors of any association that has contracted with a private security services business that is licensed by the Department of Criminal Justice Services to enforce the traffic rules of the association to assess a charge not to exceed \$250 per offense for the following traffic offenses: (i) exceeding the posted speed limit by 20 miles per hour or more, (ii) reckless driving, other than high speed, (iii) operating a motor vehicle without a valid operating permit, state registration, or valid state inspection, (iv) operating a motor vehicle on roads owned by the association after the privilege to operate a motor vehicle on such roads has been suspended, and (v) attempting to escape or elude security personnel after receiving a visible or audible signal to bring the motor vehicle to a stop. Under the bill, the charges that are assessed shall be treated as an assessment against the member's lot or lots.

*Patron - Houck*

## Public Service Companies

### Passed

**HB1603 Multiline telephone systems.** Requires multiline telephone systems acquired or installed on or after July 1, 2009, to be maintained and operated so that calls to 9-1-1 from each telephone station on the system provides either automatic location and number identification information or an alternative method of providing call location information. The Wireless E-911 Services Board is directed to monitor developments in E-911 service and multiline telephone system technologies.

*Patron - Rapp*

**HB1755 Utility Transfers Act; telephone companies.** Eliminates the requirement that the State Corporation Commission approve the acquisition or disposal of the assets or of control of a telephone company. The measure will not apply to transactions for which applications seeking Commission approval were filed prior to July 1, 2007.

*Patron - Kilgore*

**HB1885 Voice-over-Internet protocol service.** Revises the definition of Voice-over-Internet protocol service to eliminate references to Internet protocol-compatible customer premises equipment. Providers of Voice-over-Internet protocol service are exempt from regulation by the State Corporation Commission.

*Patron - Marshall, R.G.*

**HB2381 Virginia Public-Private Education Facilities and Infrastructure Act; provision of wireless broadband services.** Specifies that the Virginia Public-Private Education Facilities and Infrastructure Act can be used for projects related to the technology and infrastructure necessary to deploy wireless broadband services to schools, businesses, and residential areas. The bill also authorizes the Virginia Resources Authority to fund wireless broadband projects.

*Patron - May*

**HB2614 Construction of electrical utility facilities; review of applications by State Corporation Commission.** Requires the State Corporation Commission to conduct an analysis of the facility applicant's assessment of need, load flow analysis, and method of installation. Utilities are required to provide a GIS map of any proposed improvement or extension to the Commission, which shall make the GIS map publicly available on its website.

*Patron - May*

**HB2708 Net energy metering; sales of net electricity.** Requires the default service provider to enter into an agreement to purchase any excess electricity generated by an eligible customer-generator that is consistent with the minimum requirements for such interests established by the State Corporation Commission.

*Patron - Hugo*

**HB3068 Electric utilities.** Advances the scheduled expiration of the capped rate period from December 31, 2010, to December 31, 2008, establishes a new mechanism for regulating the rates of investor-owned electric utilities, and limits the ability of most consumers to purchase electric generation service from competing suppliers. The ratemaking procedure requires the State Corporation Commission (SCC) to conduct a rate case for investor-owned utilities in 2009; thereafter, the

SCC will review each utility's rates, terms, and conditions using two 12-month test periods ending December 31, 2010, though the SCC is given discretion to stagger the years in which it conducts such reviews. In these biennial reviews the SCC will determine fair rates of return on common equity for the utility's generation and distribution services, using any methodology it finds consistent with the public interest. However, the return shall not be set: (i) lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods by a peer group of a majority of the other vertically-integrated investor-owned electric utilities in the southeastern United States with a Moody's bond rating of at least Baa or (ii) higher than 300 basis points above that average. Increases in the rate of return are capped based on the rate of increases in the Consumer Price Index (CPI). The SCC may increase or decrease the rate of return by a Performance Incentive of up to 50 basis points based on the generating plant performance, customer service, operations and efficiency of a utility. If the combined rate of return on common equity earned is no more than one half of one percent above or below this rate of return, the return shall not be considered either excessive or insufficient. Each utility may seek rate adjustment clauses to recover (i) costs for transmission services provided by PJM Interconnection under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission (FERC) and costs of FERC-approved demand response programs; (ii) deferred environmental and reliability costs authorized under prior capped rate rules; (iii) costs of providing incentives for the utility to design and operate fair and effective demand-management, conservation, energy efficiency, and load management programs; (iv) costs of participation in the new renewable energy portfolio standard program; and (v) costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations, which costs may include the enhanced rate of return for new base load generation if the project would reduce the need for construction of new generation facilities by enabling the continued operation of existing generation facilities. A utility may also apply a rate adjustment clause for recovery from customers of the costs of (i) a coal-fired generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, (ii) one or more other generation facilities, or (iii) one or more major unit modifications of generation facilities, to meet the utility's projected native load obligations. The utility may recover an enhanced rate of return on common equity associated with the type of project, and the period over which the enhanced rate of return may be collected depends on the type of facility, as determined by the Commission within specified ranges. The Commission's final order on any petition filed for any of the rate adjustment clauses shall be entered within a specified period after the filing of the petition, and any rate increase required by the clause shall go into effect within 60 days or upon the end of capped rates, whichever is later. The Commission is required to consider petitions for rate adjustment clauses on a stand-alone basis, without regard to the other costs or revenues of the utility. The enhanced returns are subject to revocation if permits are not applied for or construction is not commenced by specified dates. If the Commission determines in a biennial review that a utility underearned by at least 50 basis points on its generation and distribution services, excluding provisions for new generation facilities, the Commission is required to increase the utility's rates to a level necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn such fair rate of return. If the Commission determines in a biennial review that a utility earned more than 50 basis points above a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities, the Com-

mission is required to direct that 60% of such overearnings be credited to customers' bills. In addition, if the Commission determines that (i) the utility's earnings exceed this limit for two consecutive biennial review periods, the Commission shall also order reductions to the utility's rates, provided that rates may not be reduced to levels below what would provide the utility with the opportunity to fully recover its costs and to earn a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities and (ii) the utility's total aggregate regulated rates would exceed the annual increases in CPI, when compared to the utility's rates as determined in the biennial review for a base period (either the utility's first test period or the most recent test period for which credits are applied to customers' bills), the Commission shall direct, unless such action would not be in the public interest, that any or all of such overearnings be credited to customers' bills. An electric utility that demonstrates that it has a reasonable expectation of achieving 12% of its base year electric energy sales from renewable energy sources during calendar year 2022 may participate in a renewable energy portfolio standard program. Under the program, a participating utility that meets specified percentage goals for sales of renewable energy is eligible for a Performance Incentive that increases the fair combined rate of return on common equity for the utility by a 50 basis points through the third succeeding biennial review if it continues to meet the RPS Goals. It is also entitled to an enhanced rate of return on the costs associated with the construction of renewable energy generation facilities used to provide the renewable energy. Double credits will be provided for energy from solar or wind sources. Specific provisions address the use of certain wood products for projects qualifying to meet the renewable energy goals. With regard to the ability of customers to purchase generation services from competing providers, the measure provides that after the capped rate period ends, only customers whose annual demand exceeds five megawatts will be permitted to shop, and the load of the switching customers does not exceed one percent of the utility's load. However, two or more individual nonresidential retail customers may aggregate their demand for the purpose of meeting the five megawatt threshold if the Commission finds that neither their incumbent electric utility nor its retail customers will be adversely affected and that the demand of the customers who are allowed to buy power from competitors will not exceed one percent of the utility's peak annual load. The ability of large customers to purchase electric power from a licensed competitive supplier is subject to the condition that they cannot thereafter purchase electricity from their incumbent utility without giving five years' notice, with certain exceptions. Municipalities are allowed to aggregate the electric energy load of their governmental operations for the purpose of negotiating rates and terms, and conditions of service from the electric utility certificated by the Commission to serve the territory in which such operations are located. Other provisions (i) require the deferral over the period 2008-2010 of a portion of Dominion's 2007 fuel factor increase; (ii) authorize electric utilities to seek approval of optional performance-based regulation methodologies to the same extent as gas utilities; (iii) requires that 75% of the margins from off-system sales be applied to the utility's fuel expenses unless the SCC finds by clear and convincing evidence that a smaller percentage is in the public interest; (iv) requires rates of distribution electric cooperatives to be regulated pursuant to the provisions of Chapters 9.1 and 10 of Title 56, subject to the ability to increase rates without SCC approval by not more than five percent over three years and to make certain other changes to terms and conditions of service; (v) states that it does not impair the terms, unless otherwise modified by an order of the SCC, of any order approving the divestiture of generation assets; (vi) provides that the measure does not modify or impair the terms, unless otherwise modified by an order of the

SCC, of any SCC order approving the divestiture of generation assets; (vii) directs the SCC to conduct a proceeding to establish goals for the amount of energy and demand to be reduced by the operation of demand side management, conservation, energy efficiency, and load management programs, and develop a plan for the development and implementation of recommended programs; (viii) directs the Office of the Attorney General to identify issues of the act that impede its implementation; and (ix) directs the Department of Taxation to conduct an analysis of the potential implications of the provisions of this measure on the system of taxation. Provisions of the Electric Utility Restructuring Act that exempt the generation of electric energy from regulation, prohibit public service corporations from exercising the power of eminent domain to acquire property for generation facilities, authorize the collection of wires charges, and authorize competition for metering and billing services are repealed. This bill is identical to SB 1416.

*Patron - Hogan*

**HB3153 Income tax; public utilities.** Directs the State Corporation Commission, to determine the federal and state income tax costs for investor-owned water, gas or electric utilities that are part of a publicly traded consolidated group by calculating its apportioned state income tax costs according to the applicable statutory rate and its federal income tax costs according to the applicable federal income tax rate, excluding any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

*Patron - Nixon*

**SB1031 Power plant siting.** Establishes a pre-application planning and review process for certain gas or electric utility facilities.

*Patron - O'Brien*

**SB1362 Construction of electrical utility facilities; review of applications by State Corporation Commission.** Reduces the threshold for the size of electrical transmission lines requiring approval of the State Corporation Commission from 150 kilovolts to 138 kilovolts. Utilities are required to provide a GIS map of any proposed improvement or extension to the Commission, which shall make the GIS map publicly available on its website. The measure requires the Commission to conduct an analysis of the applicant's assessment of need, load flow analysis, and method of installation. The measure also makes several technical changes.

*Patron - Colgan*

**SB1416 Electric utilities.** Advances the scheduled expiration of the capped rate period from December 31, 2010, to December 31, 2008, establishes a new mechanism for regulating the rates of investor-owned electric utilities, and limits the ability of most consumers to purchase electric generation service from competing suppliers. The ratemaking procedure requires the State Corporation Commission (SCC) to conduct a rate case for investor-owned utilities in 2009; thereafter, the SCC will review each utility's rates, terms, and conditions using two 12-month test periods ending December 31, 2010, though the SCC is given discretion to stagger the years in which it conducts such reviews. In these biennial reviews the SCC will determine fair rates of return on common equity for the utility's generation and distribution services, using any methodology it finds consistent with the public interest. However, the return shall not be set: (i) lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods by a peer group of a majority of the other vertically-integrated investor-owned electric utilities in the southeastern United States with a Moody's bond rating of at least Baa or (ii) higher

than 300 basis points above that average. Increases in the rate of return are capped based on the rate of increases in the Consumer Price Index (CPI). The SCC may increase or decrease the rate of return by a Performance Incentive of up to 50 basis points based on the generating plant performance, customer service, operations and efficiency of a utility. If the combined rate of return on common equity earned is no more than one half of one percent above or below this rate of return, the return shall not be considered either excessive or insufficient. Each utility may seek rate adjustment clauses to recover (i) costs for transmission services provided by PJM Interconnection under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission (FERC) and costs of FERC-approved demand response programs; (ii) deferred environmental and reliability costs authorized under prior capped rate rules; (iii) costs of providing incentives for the utility to design and operate fair and effective demand-management, conservation, energy efficiency, and load management programs; (iv) costs of participation in the new renewable energy portfolio standard program; and (v) costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations, which costs may include the enhanced rate of return for new base load generation if the project would reduce the need for construction of new generation facilities by enabling the continued operation of existing generation facilities. A utility may also apply a rate adjustment clause for recovery from customers of the costs of (i) a coal-fired generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, (ii) one or more other generation facilities, or (iii) one or more major unit modifications of generation facilities, to meet the utility's projected native load obligations. The utility may recover an enhanced rate of return on common equity associated with the type of project, and the period over which the enhanced rate of return may be collected depends on the type of facility, as determined by the Commission within specified ranges. The Commission's final order on any petition filed for any of the rate adjustment clauses shall be entered within a specified period after the filing of the petition, and any rate increase required by the clause shall go into effect within 60 days or upon the end of capped rates, whichever is later. The Commission is required to consider petitions for rate adjustment clauses on a stand-alone basis, without regard to the other costs or revenues of the utility. The enhanced returns are subject to revocation if permits are not applied for or construction is not commenced by specified dates. If the Commission determines in a biennial review that a utility underearned by at least 50 basis points on its generation and distribution services, excluding provisions for new generation facilities, the Commission is required to increase the utility's rates to a level necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn such fair rate of return. If the Commission determines in a biennial review that a utility earned more than 50 basis points above a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities, the Commission is required to direct that 60% of such overearnings be credited to customers' bills. In addition, if the Commission determines that (i) the utility's earnings exceed this limit for two consecutive biennial review periods, the Commission shall also order reductions to the utility's rates, provided that rates may not be reduced to levels below what would provide the utility with the opportunity to fully recover its costs and to earn a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities and (ii) the utility's total aggregate regulated rates would exceed the annual increases in CPI, when compared to the utility's rates as determined in the biennial review for a base period (either the utility's first test period or the most recent test

period for which credits are applied to customers' bills), the Commission shall direct, unless such action would not be in the public interest, that any or all of such overearnings be credited to customers' bills. An electric utility that demonstrates that it has a reasonable expectation of achieving 12% of its base year electric energy sales from renewable energy sources during calendar year 2022 may participate in a renewable energy portfolio standard program. Under the program, a participating utility that meets specified percentage goals for sales of renewable energy is eligible for a Performance Incentive that increases the fair combined rate of return on common equity for the utility by a 50 basis points through the third succeeding biennial review if it continues to meet the RPS Goals. It is also entitled to an enhanced rate of return on the costs associated with the construction of renewable energy generation facilities used to provide the renewable energy. Double credits will be provided for energy from solar or wind sources. Specific provisions address the use of certain wood products for projects qualifying to meet the renewable energy goals. With regard to the ability of customers to purchase generation services from competing providers, the measure provides that after the capped rate period ends, only customers whose annual demand exceeds five megawatts will be permitted to shop, and the load of the switching customers does not exceed one percent of the utility's load. However, two or more individual nonresidential retail customers may aggregate their demand for the purpose of meeting the five megawatt threshold if the Commission finds that neither their incumbent electric utility nor its retail customers will be adversely affected and that the demand of the customers who are allowed to buy power from competitors will not exceed one percent of the utility's peak annual load. The ability of large customers to purchase electric power from a licensed competitive supplier is subject to the condition that they cannot thereafter purchase electricity from their incumbent utility without giving five years' notice, with certain exceptions. Municipalities are allowed to aggregate the electric energy load of their governmental operations for the purpose of negotiating rates and terms, and conditions of service from the electric utility certificated by the Commission to serve the territory in which such operations are located. Other provisions (i) require the deferral over the period 2008-2010 of a portion of Dominion's 2007 fuel factor increase; (ii) authorize electric utilities to seek approval of optional performance-based regulation methodologies to the same extent as gas utilities; (iii) requires that 75% of the margins from off-system sales be applied to the utility's fuel expenses unless the SCC finds by clear and convincing evidence that a smaller percentage is in the public interest; (iv) requires rates of distribution electric cooperatives to be regulated pursuant to the provisions of Chapters 9.1 and 10 of Title 56, subject to the ability to increase rates without SCC approval by not more than five percent over three years and to make certain other changes to terms and conditions of service; (v) states that it does not impair the terms, unless otherwise modified by an order of the SCC, of any order approving the divestiture of generation assets; (vi) provides that the measure does not modify or impair the terms, unless otherwise modified by an order of the SCC, of any SCC order approving the divestiture of generation assets; (vii) directs the SCC to conduct a proceeding to establish goals for the amount of energy and demand to be reduced by the operation of demand side management, conservation, energy efficiency, and load management programs, and develop a plan for the development and implementation of recommended programs; (viii) directs the Office of the Attorney General to identify issues of the act that impede its implementation; and (ix) directs the Department of Taxation to conduct an analysis of the potential implications of the provisions of this measure on the system of taxation. Provisions of the Electric Utility Restructuring Act that exempt the generation of electric energy from regulation, prohibit public service corpo-

rations from exercising the power of eminent domain to acquire property for generation facilities, authorize the collection of wires charges, and authorize competition for metering and billing services are repealed. This bill is identical to HB 3068.

*Patron - Norment*

## Failed

### **HB1632 State Corporation Commission regulation; charges for inmate telecommunications systems.**

Authorizes the State Corporation Commission to determine that the rates for debit or prepaid telephone systems at state correctional facilities are at the lowest available rates for the service in accordance with filed schedules. The measure also establishes a 10% cap on the amount of any commissions, lease payments or other fees that a provider of inmate telecommunications services may pay to the Commonwealth or any agency or political subdivision under its contract. Any amounts paid in excess of this cap are to be deposited in a newly established Prisoner Telephone Rate Fund and used to reduce the surcharges or rates paid for calls.

*Patron - Morgan*

### **HB1649 Underground location of transmission lines.**

Establishes a presumption that bars the State Corporation Commission from issuing a certificate allowing the installation of an overhead electrical transmission line of 150 kilovolts or more within 500 feet of any school building or residential dwelling or in any area where such an overhead transmission line would unduly impair scenic vistas that are essential to the economic vitality of the affected locality. The presumption may be rebutted by demonstrations that constructing the transmission line underground would not be technologically feasible and that a viable alternative route does not exist. If the Commission approves the underground installation of the line, the costs would be recoverable through the utility's rates. If the locality obligates itself to reimburse the utility for the incremental costs of undergrounding the transmission line, the Commission may approve the underground installation of the line even if it does not find that its overhead installation would impair scenic vistas.

*Patron - Cole*

### **HB1804 Solar water heating system pay-as-you-save pilot program.**

Directs the State Corporation Commission to analyze, and if appropriate, to establish, a pilot program whereby residential customers who install a solar water heating system will be able to pay for the system as an item on their monthly electricity bill. Participation in the pilot program would be voluntary. Participating electricity distributors will be required to submit proposed tariffs for recovery of the costs of the systems over a term not to exceed 75% of the expected life of the system, in monthly amounts that are less than the expected reductions in the electricity bill resulting from the installation of the system. This bill was incorporated into HB 2401.

*Patron - Poisson*

### **HB2398 Approval of utility lines; plan for undergrounding lines.**

Requires a utility seeking State Corporation Commission approval of a certain 500 kV electrical transmission line to submit to the Commission and to members of the General Assembly a plan to install the line or lines underground within current utility right-of-way. Hearings on the application for the new transmission line would be held after the Commission has reviewed the plan.

*Patron - Athey*

**HB2399 Approval of electrical transmission lines; alternative plan.** Requires a utility seeking State Corporation Commission approval of a certain 500 kV electrical transmission line to submit to the Commission and to members of the General Assembly a plan for alternative measures to increase the capacity of existing facilities without constructing new transmission towers. Hearings on the application for the new transmission line would be held after the Commission has reviewed the alternative plan. This bill was incorporated into HB 2398.

*Patron - Athey*

### **HB2401 Electric utility conservation programs.**

Requires the State Corporation Commission to conduct a proceeding to consider electric energy consumption goals. The Commission is directed to establish a work group to develop a plan to achieve these goals and define programs. This bill incorporates HB 1804.

*Patron - Athey*

### **HB2402 Approval of certificate for electrical transmission lines.**

Requires the State Corporation Commission, when considering an application for a certificate for the construction of lines such as the 500 kV Trans-Allegheny Interstate Line, to consider all effects of the proposed line, including its effects on adjoining properties.

*Patron - Athey*

### **HB2433 Public-Private Transportation Act; procurement.**

Requires interim or comprehensive agreements under the Public-Private Transportation Act to be competitively bid if the total cost of the project involves the expenditure of \$10 million or more in state funds.

*Patron - Albo*

### **HB2561 Automatic dialing-announcing devices; penalty.**

Prohibits callers from using an automatic dialing-announcing device to make a telephone call to a health care provider, business providing ambulance services, residential facility, law-enforcement agency, fire department or rescue squad. For other calls, callers are prohibited from using, or connecting to a telephone line, an automatic dialing-announcing device unless the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message or unless the message is preceded by a live operator who obtains the subscriber's consent before the message is delivered. The measure also imposes calling time restrictions and requires automatic dialing-announcing devices or other devices that disseminate a prerecorded or synthesized voice message to the number called to disconnect within five seconds after termination of the telephone call. An automatic dialing-announcing device selects and dials telephone numbers and disseminates a prerecorded or synthesized voice message to the telephone number called. A violation of these requirements is a prohibited practice under the Consumer Protection Act. The existing prohibition on using recorded solicitation calls is repealed.

*Patron - Brink*

### **HB2615 Suspension of construction of new electrical utility facilities; pilot projects in Loudoun County and Fauquier County.**

Suspends the approval of all applications for the construction of new electrical utility facilities pending before the State Corporation Commission and the commencement of all facility construction until July 1, 2008. The bill also establishes a pilot project in Loudoun County and Fauquier County for the installation of underground transmission lines. This bill contains an emergency clause.

*Patron - May*