

gest abuse or neglect or (iii) whose death came under the jurisdiction of the Office of the Chief Medical Examiner pursuant to § 32.1-283. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team. The bill also exempts any information acquired during a review from the Virginia Freedom of Information Act. This bill was incorporated into HB 251.

*Patron - Ebbin*

**HB894 Licensure of abortion clinics.** Requires all abortion clinics, defined as any facility other than a hospital or an ambulatory surgery center in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers except the requirement for a certificate of public need. The Board of Health may also waive certain structural requirements.

*Patron - Lohr*

**HB1046 Nursing homes; staffing levels.** Requires the Board of Health to establish staffing standards for nursing homes.

*Patron - Watts*

**HB1190 Infant Mortality Prevention Act.** Requires certain measures designed to lower the infant mortality rate in the Commonwealth, including: (i) expanding FAMIS eligibility for pregnant women with an income level up to 200 percent of the federal poverty level and providing coverage for one year postpartum; (ii) prohibiting the state from charging copayments for prenatal services for state employees; (iii) designating a senior employee of the Department of Health as coordinator for the state's home visitation programs designed to limit infant mortality; (iv) giving the Department of Social Services responsibility for coordinating efforts among faith-based organizations working to reduce infant mortality; and (v) requiring the Commissioner of Health to launch a public education campaign aimed at preventing Sudden Infant Death Syndrome.

*Patron - Moran*

**HB1227 Medical assistance services; coverage of treatment for breast and cervical cancer.** Eliminates requirement that women be screened in under the Centers for Disease Control and Prevention Breast and Cervical Cancer Early Detection Program to qualify for coverage.

*Patron - Vanderhye*

**HB1543 Health records; surgical complications reporting.** Requires physicians to report, in writing or by electronic means, each patient who comes under his professional care and requires medical treatment or suffers death that the physician has a reasonable basis to believe is the result of an elective outpatient surgical procedure. Complications resulting from elective outpatient surgical procedures. This bill provides that the report shall not contain any identifying information.

*Patron - Janis*

**SB204 Freestanding birth centers; licensing.** Requires freestanding birth centers to be licensed and regulated by the Department of Health.

*Patron - Quayle*

**SB298 Virginia Smoke Free Air Act; smoking in public places; civil penalties.** Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and

home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. 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 - Whipple*

**SB406 Prescription drug benefits; penalty for conviction of certain drug-related crimes.** Provides that any individual convicted of manufacturing, selling, giving, or distributing a controlled substance or imitation controlled substance, or possessing a controlled substance with the intent to manufacture, sell, give, or distribute a controlled substance or imitation controlled substance shall be ineligible for prescription drug assistance under Medicaid.

*Patron - Puckett*

**SB437 Licensure of abortion clinics.** Requires all abortion clinics, defined as any facility other than a hospital or an ambulatory surgery center in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers except the requirement for a certificate of public need. The Board of Health may also waive certain structural requirements.

*Patron - Vogel*

**SB501 Virginia Indoor Clean Air Act; penalty.** Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits smoking in all indoor restaurants and bar and lounge areas in the Commonwealth. Requires the posting of "No Smoking" signs and provides for a \$25 civil penalty for a violation of these provisions.

*Patron - Locke*

**SB503 Emergency Medical Services.** Establishes the Department of Emergency Medical Services to replace the current Office of Emergency Medical Services and places the new Department under the Secretary of Public Safety.

*Patron - Northam*

**SB578 VirginiaShare Health Insurance Program.** Establishes the VirginiaShare Health Insurance Program, to provide health insurance premium assistance to allow eligible low-income working individuals to purchase health insurance coverage through a certified VaShare Health Insurance Policy. Also establishes the VirginiaShare Health Insurance Program Board to regulate the Program, to be administered by the Department of Medical Assistance Services. The program will pay one-third of the total monthly premium for eligible individuals, up to \$75, with at least one-half of the remaining amount paid by the individual's small employer. However, if the \$75 maximum monthly contribution from the program is less than one-third of the total monthly premium, then the individual's small employer shall pay at least one-third of the total monthly premium. Eligible individuals must (i) be residents of Virginia; (ii) have an income that is at or below 200 percent of the federal poverty level; (iii) have not been insured or had the offer of insurance within six months prior to enrollment in the

Program; (iv) be ineligible for full-benefit medical assistance benefits pursuant to Title XIX of the Social Security Act, as amended, or benefits pursuant to Title XXI of the Social Security Act, as amended; (v) be employed by a qualified small employer; and (vi) work at least 30 hours per week for the qualified small employer. The provisions of the bill are contingent upon an appropriation of general funds effectuating the purposes of the bill.

*Patron - Saslaw*

**SB702 Influenza vaccinations; information.** Requires the Department of Health to publish, on its website, information on influenza disease and the benefits of influenza vaccination for children under the age of 60 months. Also requires the Department to work with other state agencies, as well as private child care organizations, to make this information available to parents on an annual basis.

*Patron - Lucas*

**SB722 Immunizations; human papillomavirus.** Removes requirement that girls receive the human papillomavirus vaccine.

*Patron - Cuccinelli*

## Carried Over

**HB247 Hospital emergency departments; ability to access electronic health records.** Requires all hospitals that (i) engage in diversion at any time and (ii) use electronic health records to have the information technology capability to access electronic health records of other hospitals engaging in diversion in their emergency departments.

*Patron - O'Bannon*

**HB510 State medical assistance plan; DMAS to contract with DMHMRSAS for mental health services.** Requires the Department of Medical Assistance Services to contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide mental health services to eligible individuals in underserved areas of the Commonwealth.

*Patron - Hamilton*

**HB1532 COPN; nursing home beds.** Authorizes the Commissioner of Health to accept applications and to issue certificates of public need for nursing home beds in Planning District 13, which would result in an increase of 30 percent in the number of licensed nursing home beds for each nursing home that has reported to Virginia Health Information an average annual occupancy rate of 99 percent or higher for fiscal year 2006 and fiscal year 2007, provided that the application is filed on or before December 1, 2008, and approved additional nursing home beds are not put into service prior to July 1, 2009.

*Patron - Hogan*

**SB354 Medical examiner's investigation; examination of body.** Specifies that a medical examiner investigating a suspicious death shall examine the dead body in-person, either at the scene of death or another location, before making his report to the Chief Medical Examiner.

*Patron - Deeds*

**SB672 Certificate of public need; certain request for applications.** Requires the Commissioner of Health to issue a Request For Applications for 90 new nursing facility beds in Planning District 9 no later than October 1, 2008.

*Patron - Houck*

## Highways, Bridges and Ferries

### Passed

**HB84 Virginia-North Carolina Interstate Toll Road Compact.** Repeals the Virginia-North Carolina Interstate Toll Road Compact. The bill will take effect July 1, 2009.

*Patron - Landes*

**HB277 Traffic control measures.** Allows installation and application of traffic control measures on secondary system components in residence districts even if those components also provide access to business districts.

*Patron - Watts*

**HB453 School bus stop indicators.** Provides that local school boards may install signs or other devices to indicate school bus stops. Installation of these signs or devices is subject to VDOT approval if installed on any state-maintained highway. Maintenance, repair, and replacement of these school bus stop signs is to be the responsibility of the local school board. VDOT, in conformance with its current policies for emergency snow removal operations, must use its best efforts to ensure that signed school bus stop areas will not be obstructed by snow removal operations.

*Patron - Rust*

**HB454 HOT Lanes.** Revises procedures for enforcement of High-Occupancy Toll (HOT) lanes violations. This bill is the same as SB 570.

*Patron - Rust*

**HB1013 Newman Road.** Designates the entire length of Newman Road in Fairfax County a Virginia byway.

*Patron - Hugo*

**HB1014 HOV lanes; clean special fuel vehicles.** Extends until July 1, 2009, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of their passengers. This bill incorporates HB 342.

*Patron - Hugo*

**HB1032 Traffic control measures.** Provides that nothing in Title 33.1 is to be construed to prevent the acceptance by the Department of Transportation of private financing for the application and installation of traffic control measures.

*Patron - Frederick*

**HB1406 Rural rustic road program.** Increases from 1,000 to 1,500 vehicles per day the maximum average daily traffic volume for roads to be eligible to participate in the rural rustic road program.

*Patron - May*

**HB1464 Trooper Robert A. Hill Memorial Bridge.** Designates the Virginia Route 687 bridge over U.S. Route 58 in Southampton County the "Trooper Robert A. Hill Memorial Bridge."

*Patron - Tyler*

**HB1507 Trooper Charles Mark Cosslett Memorial Highway.** Designates a portion of Virginia Route 7100 (Fairfax County Parkway) the "Trooper Charles Mark Cosslett Memorial Highway."

*Patron - Sickles*

**HB1516 Public-Private Transportation Act; tolls on Interstate highways.** Prohibits a private entity from imposing tolls or user fees under the Public-Private Transportation Act on any rural portion of I-81 without the prior approval of the General Assembly. This bill incorporates HB 1515 (Gilbert). This bill is identical to SB 754.

*Patron - Gilbert*

**HB1555 Lance Corporal Daniel Todd Morris Bridge.** Designates the Virginia Route 620 bridge over Interstate Route 81 at Steeles Tavern the "Lance Corporal Daniel Todd Morris Bridge."

*Patron - Cline*

**HB1572 Comprehensive highway access management standards; implementation.** Requires that the Commonwealth Transportation Commissioner promulgate comprehensive highway access management standards in phases. Those standards relating to principal arterial roads shall become effective on July 1, 2008, and those relating to minor arterial roads shall become effective on October 1, 2009. The Commissioner will be subject to the Administrative Process Act for those regulations effective on October 1, 2009. This bill is identical to SB 370.

*Patron - Hull*

**SB99 "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, 2008, 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 improve, construct, or reconstruct 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 improve, construct, or reconstruct 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.

*Patron - Ruff*

**SB150 Wilderness Road: Virginia's Heritage Migration Route.** Designates U.S. Route 11 from Winchester to Bristol, connecting with the Daniel Boone Wilderness Trail in Scott County and continuing west on U.S. Routes 58 and 23, ending at Cumberland Gap National Heritage Park in Lee County where it intersects with the Kentucky Wilderness Road Heritage Highway; and the Fincastle Turnpike and the Carolina Road spurs that branch off in Botetourt County as the "Wilderness Road: Virginia's Heritage Migration Route." This designation shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof.

*Patron - Edwards*

**SB153 VDOT maintenance; community service program.** Requires the Commissioner of the Virginia Department of Transportation to establish a program whereby nonviolent misdemeanants who have a suspended sentence or who are on probation will mow rights-of-way or perform other landscaping tasks that VDOT is responsible for. The bill also provides civil immunity for the officials who participate.

*Patron - Stuart*

**SB189 Highway construction by state or local employees.** Increases the maximum cost of a project that may be undertaken using state or local employees to \$600,000; and provides that the Board may enter into a written agreement with a locality for the building and maintenance of roads by local employees so long as the locality has obtained a cost estimate of not more than \$1 million.

*Patron - Herring*

**SB370 Comprehensive highway access management standards; implementation.** Requires that the Commonwealth Transportation Commissioner promulgate comprehensive highway access management standards in phases. Those standards relating to principal arterial roads shall become effective on July 1, 2008, and those relating to minor arterial roads shall become effective on October 1, 2009. The Commissioner will be subject to the Administrative Process Act for those regulations effective on October 1, 2009. This bill is identical to HB 1572.

*Patron - Watkins*

**SB570 HOT Lanes.** Revises procedures for enforcement of High-Occupancy Toll (HOT) lanes violations. This bill is identical to HB 454.

*Patron - Saslaw*

**SB654 Jerry Falwell Parkway.** Designates U.S. 460 between the Monacan Bridge in the City of Lynchburg and Wards Road in Campbell County the "Jerry Falwell Parkway."

*Patron - Newman*

**SB754 Public-Private Transportation Act; tolls on Interstate highways.** Prohibits a private entity from imposing tolls or user fees under the Public-Private Transportation Act on any existing rural segment of Interstate Route 81 without the prior approval of the General Assembly. This bill is identical to HB 1516.

*Patron - Obenshain*

## Failed

**HB73 Naming highways, etc.** Allows the Commonwealth Transportation Board to name a highway, bridge, or interchange for a living person, group, or business entity if the cost of construction of the bridge, highway, or interchange is paid by the person, group, or business entity.

*Patron - Marshall, R.G.*

**HB111 "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, 2008, 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 improve, construct, or reconstruct 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 improve, construct, or reconstruct 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. This bill incorporates HB 571 and HB 1286

*Patron - Scott, E.T.*

**HB135 HOT lanes.** Prohibits the designation of HOT lanes on any portion of I-95 between the Potomac River and the City of Fredericksburg.

*Patron - Nichols*

**HB147 Statewide Transportation Plan.** Requires VDOT to collect and report certain statistical information. This bill incorporates HB 977.

*Patron - Fralin*

**HB158 Highways; littering unsightly matter.** Provides when the matter illegally dumped or disposed of was ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the court, in addition to the criminal penalty provided, may suspend the defendant's license to operate a motor vehicle for a period not to exceed 30 days.

*Patron - Nichols*

**HB185 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.*

**HB268 HOV lanes.** Imposes the same penalties for HOV lane violations in the Hampton Roads Planning District as are presently imposed for HOV violations in Northern Virginia.

*Patron - Miller, P.J.*

**HB342 HOV lanes; use by vehicles bearing clean special fuel vehicle license plates.** Extends the July 1, 2008, "sunset" on use of HOV lanes by vehicles bearing clean special fuel vehicle license plates, regardless of the number of their passengers, until July 1, 2012. This bill was incorporated into HB 1014.

*Patron - Plum*

**HB347 Powers of CTC.** Allows the Commonwealth Transportation Commissioner (CTC) to enter into contracts

with Reston for grounds keeping, mowing, and litter removal on highways within Reston.

*Patron - Plum*

**HB348 Supplying information to and soliciting comments from Reston by VDOT.** Requires that whenever any provision of Title 33.1 requires the Virginia Department of Transportation (VDOT) to supply information to or solicit comments from the governing body of any county, city, or town, VDOT must, under similar circumstances, supply such information to or solicit comments from Reston.

*Patron - Plum*

**HB373 Highway "welcome" signs and exit signs.** Allows local governing bodies to put up "welcome" signs within highway rights-of-way or within sight of highway rights-of-way to welcome travelers. These signs may include statements or phrases such as "birthplace of \_\_\_\_\_," "site of the \_\_\_\_\_," or "home of the \_\_\_\_\_." Such signs may also display the Internet web address of the locality's official website. The bill also provides for display of the Internet address of a locality's official website on exit signs on controlled access highways.

*Patron - Carrico*

**HB389 Allocation of maintenance funds among highway systems.** Requires the Commonwealth Transportation Board to utilize the estimated budget required to meet performance standards for asset management under § 33.1-13.02 in determining the total amount of funds that are reasonable and necessary for maintenance of roads; the allocation of the total amount of funds made available for maintenance shall be based on achieving a minimal level of disparity in meeting asset management performance standards established under § 33.1-13.02; such provision to be fully implemented by fiscal year 2015.

*Patron - Bulova*

**HB471 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 percent, and a need factor, weighted 10 percent.

*Patron - Watts*

**HB507 Hampton Roads Transportation Authority.** Revises the number of members needed for a quorum at meetings of the Authority and the number of affirmative votes required to impose taxes, fees, or tolls. The bill also eliminates references to phase two projects and adds improvements to the Hampton Roads Bridge Tunnel to the list of Authority projects. Additionally, it eliminates, for Hampton Roads, the 5 percent sales and use tax on vehicle repairs, the initial vehicle registration fee, the congestion relief fee, and the increased commercial real estate tax. Finally, the bill increases, for Hampton Roads, the tax on motor fuels from 2 percent to 5 percent, the car rental fee from 2 percent to 5 percent, and the annual vehicle license fee from \$10 to \$50.

*Patron - Hamilton*

**HB568 Local ordinances prohibiting use of certain highways by tractor-trailer combinations.** Allows the governing body of any county, city, or town by ordinance to prohibit the use of any highway within its boundaries by tractor-trailer combinations when, in the sole judgment of the local governing body, tractor-trailer combinations are unable safely to negotiate such highway.

*Patron - Crockett-Stark*

**HB571 Revenue-sharing funds for certain counties.** Eliminates the four-tier allocation system and also eliminates the authority for counties to use proffers for up to one-half of the local government's contribution to revenue-sharing fund projects. This bill was incorporated into HB 111.

*Patron - Crockett-Stark*

**HB629 VDOT regulations; fiber optic facilities.** Requires the Department of Transportation, by regulation, to allow communications providers deploying fiber optic facilities to overlash fiber optic facilities onto existing aerial copper facilities. Vertical clearances for all such overhead installations within nonlimited-access rights-of-way must be in compliance with standards specified in the National Electric Safety Code.

*Patron - May*

**HB630 VDOT regulations; placement of customer service drop cables.** Requires VDOT, by regulation, to allow providers of communications services to place and maintain lateral customer service drop facilities necessary to provide communications services to individual customer locations and further allow providers of communications services to place customer service drop cables of a physical size that does not exceed three inches in diameter parallel within highway rights-of-way for a distance of no more than 1,000 feet.

*Patron - May*

**HB692 Highway "welcome" signs and exit signs.** Allows local governing bodies to put up "welcome" signs within highway rights-of-way or within sight of highway rights-of-way to welcome travelers. These signs may include statements or phrases such as "birthplace of \_\_\_\_\_," "site of the \_\_\_\_\_," or "home of the \_\_\_\_\_." Such signs may also display the Internet web address of the locality's official website. The bill also provides for display of the Internet address of a locality's official website on exit signs on controlled access highways.

*Patron - Armstrong*

**HB797 Traffic signs in Fairfax County.** Transfers from VDOT to Fairfax County any and all powers, duties, responsibility, and control over traffic signage and marking within the boundaries of the County of Fairfax. VDOT is further required to fully reimburse the County of Fairfax for its actual and necessary expenses in carrying out the provisions of this act.

*Patron - Englin*

**HB803 VDOT to account for workforce housing.** Grants VDOT full authority to account for workforce housing when negotiating the sale price of property being sold after it has acquired it in the course of any project. This accounting is to be made available to the Joint Commission on Transportation Accountability.

*Patron - Englin*

**HB826 Hampton Roads Transportation Authority.** Includes expansion of the Hampton Roads Bridge-Tunnel in the list of "first tier" projects of the Hampton Roads Transportation Authority.

*Patron - Gear*

**HB828 Hampton Roads Transportation Authority.** Removes York County and the Cities of Hampton and Poquoson from the territory embraced by the Authority.

*Patron - Gear*

**HB829 Hampton Roads Transportation Authority.** Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs.

*Patron - Gear*

**HB855 Regional pedestrian and bicycle advisory committees.** Requires VDOT to establish regional pedestrian and bicycle advisory committees.

*Patron - Ebbin*

**HB856 Rail Enhancement Fund.** Allows the Director of the Department of Rail and Public Transportation, with the approval of the Rail Advisory Board, to waive the requirement that projects funded by the Fund include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, a local government source, or a combination of such sources. The bill also allows the use of funds from "federal governmental sources" in connection with projects funded from the Fund.

*Patron - Ebbin*

**HB961 Street maintenance payments.** Provides for increased payments where traffic volumes exceed the state-wide average by more than 20 percent.

*Patron - Shannon*

**HB977 VDOT statistical information.** Requires VDOT to collect and report certain statistical information. This bill was incorporated into HB 147.

*Patron - Shannon*

**HB1108 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 percent, and a need factor, weighted 10 percent.

*Patron - Rust*

**HB1130 VDOT logo signs.** Requires the Commonwealth Transportation Board to allow businesses that cater to recreational vehicle users and participate in the Integrated Directional Sign Program to identify themselves through use of distinctive symbols or images.

*Patron - Jones, S.C.*

**HB1286 Local revenue-sharing highway projects.** Eliminates the three-tier aspect of the revenue-sharing program, allows localities to contribute up to 90 percent of their share in the form of proffers, and provides that 90 percent of project funding will be from VDOT and 10 percent from the locality. This bill was incorporated into HB 111.

*Patron - Athey*

**HB1304 Hampton Roads Transportation Authority.** Provides specific procedures to be followed by the Authority in making legislative requests and recommendations to the General Assembly. The bill also provides that no tax or fee to be charged or imposed and dedicated to financing its operation and programs pursuant to Chapter 896 of the Acts of Assembly of 2007 (House Bill No. 3202) shall be imposed or collected prior to July 1, 2009.

*Patron - Oder*

**HB1385 Allocation of primary and secondary highway construction funds.** Revises the formulas used to allocate

primary and secondary highway construction funds so that such funds are allocated on the basis of population.

*Patron - Miller, J.H.*

**HB1444 Hampton Roads Transportation Authority.** Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs.

*Patron - Oder*

**SB11 Rail Enhancement Fund.** Allows the Director of the Department of Rail and Public Transportation, with the approval of the Rail Advisory Board, to waive the requirement that projects funded by the Fund include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, a local government source, or a combination of such sources. The bill also allows the use of funds from "federal governmental sources" in connection with projects funded from the Fund.

*Patron - Miller Y.B.*

**SB71 Powers of CTC.** Allows the Commonwealth Transportation Commissioner (CTC) to enter into contracts with Reston for grounds keeping, mowing, and litter removal on highways within Reston.

*Patron - Howell*

**SB121 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*

**SB186 VDOT statistical information.** Requires VDOT to collect and report certain statistical information.

*Patron - Herring*

**SB371 Statewide Rail Plan.** Requires that the Commonwealth Transportation Board develop a Statewide Rail Plan, which shall set forth an inventory of rail needs based upon established goals, objectives, and priorities including promotion of increased passenger rail service and increased freight rail capacity.

*Patron - Watkins*

**SB660 Hampton Roads Transportation Authority.** Gives the Hampton Roads Transportation Authority the power to enter into design-build contracts for construction of projects.

*Patron - Miller, Y.B.*

**SB720 HOT lane construction contracts.** Requires that any contract for the construction of any additional lanes on Interstate Route 95 or Interstate Route 395 in or between Arlington County and Spotsylvania County must specify that average vehicle speeds of at least 45 miles per hour must be maintained along Interstate Route 95 or Interstate Route 395 between the Capital Beltway and the southern terminus of the HOT lanes on Interstate Route 95. The contract must also specify monetary penalties to be paid by the contractor or operator of the HOT lanes if and when these average vehicle speeds are not met. The bill also corrects a technical error.

*Patron - Barker*

state secondary highway system solely on the basis of population. Presently, allocations are made on the basis of population (80%) and area (20%).

*Patron - Nichols*

**HB374 "CHILD WITH AUTISM" signs.** Requires VDOT, when requested by the child's parent or legal guardian, to post within an area in which a child with autism who is less than 18 years old resides signs bearing the legend "CHILD WITH AUTISM."

*Patron - Carrico*

**HB405 Tolls.** Prohibits imposition and collection of tolls for use of (i) Interstate Route 64 between the Virginia Route 143 (Jefferson Avenue) interchange in the City of Newport News and the Hampton Roads Bridge-Tunnel and (ii) Interstate Route 664 between Interstate Route 64 and the Monitor-Merrimac Memorial Bridge-Tunnel.

*Patron - Oder*

**HB544 Composition of RMA Board.** Revises the composition of the Board of Directors of the Richmond Metropolitan Authority (RMA).

*Patron - Nixon*

**HB618 Eminent domain; highway construction.** Clarifies that the power of eminent domain exercised by the Commonwealth Transportation Commissioner for highway construction includes construction of sidewalks and lighting therefor.

*Patron - Amundson*

**HB1105 Outdoor advertising.** Gives local governments increased ability to limit or remove nonconforming billboard signs.

*Patron - Bouchard*

**HB1288 Bridge and safety funding prioritization by CTB.** Requires the Commonwealth Transportation Board (CTB) to make the replacement and/or repair of bridges in the Commonwealth that are of the same or substantially similar design to the Interstate Route 35W bridge over the Mississippi River in Minneapolis, Minnesota, that collapsed on August 1, 2007, the highest priority for all available bridge and safety funding.

*Patron - Athey*

**HB1301 Powers of CTB; bridge replacement and repair.** Allows the Commonwealth Transportation Board (CTB) to award contracts for the design-build procurement of bridge replacement and bridge repair projects.

*Patron - Nichols*

**HB1454 VDOT entrance sight-distance requirements.** Provides that in any county having a population of less than 40,000, the Virginia Department of Transportation must waive entrance sight-distance requirements for entrances to buildings used by emergency fire and rescue organizations when such entrances connect to highways where there is no posted speed limit.

*Patron - Nutter*

**HB1511 Changeable electronic variable message signs.** Imposes a moratorium on the erection or conversion of advertisements and advertising structures into changeable electronic variable message signs.

*Patron - May*

**SB122 Rail Transportation Development Authority.** Establishes the Rail Transportation Development Authority.

## Carried Over

**HB94 Secondary highway system construction allocations.** Allocates construction funds among the counties in the

The Authority is to be responsible for identifying needed construction, reconstruction, improvements, or repairs to railroads and their facilities and equipment. The Authority is given the power to finance or assist in financing any such rail transportation project. The bill requires the Virginia Department of Rail and Public Transportation, in conjunction with the Authority, to develop a rail transportation plan for the Commonwealth. The bill further abolishes the Rail Advisory Board and repeals Chapter 1041 of the 2003 Acts of Assembly, which provided for the creation of a Rail Transportation Development Authority, but never became effective, because it included a reenactment clause, and the act was not reenacted.

*Patron - Edwards*

**SB233 Statewide Transportation Plan.** Requires that the Statewide Transportation Plan include quantifiable measures and achievable goals for carbon dioxide gas emissions.

*Patron - Whipple*

**SB407 Local ordinances prohibiting use of certain highways by tractor-trailer combinations.** Allows the governing body of any county, city, or town by ordinance to prohibit the use of any highway within its boundaries by tractor-trailer combinations when, in the sole judgment of the local governing body, tractor-trailer combinations are unable safely to negotiate such highway.

*Patron - Puckett*

**SB676 Hampton Roads Transportation Authority.** Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs.

*Patron - Miller, J.C.*

**SB763 Changeable electronic variable message signs.** Imposes a moratorium on the erection or conversion of advertisements and advertising structures into changeable electronic variable message signs.

*Patron - Ticer*

## Homestead and Other Exemptions

### Passed

**HB1042 Homestead deeds; previous filings.** Adds to the homestead deed form the following questions: (i) how many homestead deeds has the householder filed previously, (ii) what was the amount of the exemption, and (iii) what jurisdiction were they in.

*Patron - Griffith*

### Failed

**HB1256 Protection of IRAs from civil judgment; \$750,000.** Provides that an individual's interest in an IRA, up to \$750,000, is exempt from creditor process including civil judgments.

*Patron - Marsden*

### Carried Over

**HB1559 IRAs; exemption from civil judgments.** Exempts individual retirement accounts from all creditor process including civil judgments.

*Patron - Lingamfelter*

## Housing

### Passed

**HB44 Manufactured Housing Board; grounds for denial, suspension, or revocation of a license.** Provides for the Manufactured Housing Board to deny, suspend, or revoke the license of a manufactured home broker, dealer, manufacturer, or salesperson that has a substantial identity of interest with a licensee of the Board whose license has been revoked or not renewed by the Board in a previous action. The bill defines "substantial identity of interest" as (i) a controlling financial interest by the individual or corporate principals of the manufactured home broker, dealer, or manufacturer whose license has been revoked or not renewed or (ii) substantially identical principals or officers as the manufactured home broker, dealer, or manufacturer whose license has been revoked or not renewed by the Board.

*Patron - Scott, J.M.*

**HB1073 Department of Housing and Community Development; administration of the Private Activity Bonds program.** Provides that the administration of the Private Activity Bonds program shall be shared jointly by the Small Business Financing Authority, the Virginia Housing Development Authority, and the Department of Housing and Community Development. The bill also increases the allocations for housing and industrial development. The bill provides that any unused bond authority remaining in any category after the effective period of the allocation set forth in guidelines established by the Director of the Department of Housing and Community Development shall be allocated to the Virginia Housing Development Authority (VHDA) and any unused authority allocated to VHDA shall continue to be allocated to VHDA under certain circumstances.

*Patron - Suit*

**SB301 Common Interest Community Board.** Establishes a Common Interest Communities Board, creates a Common Interest Management Information Fund and allows for a certification process for Common Interest Association managers. The bill adds several new definitions to the Property Owners' Association, Condominium, Real Estate Cooperative, and Time-Share Acts, including "common interest community manager." The bill also sets limits for the fees to be charged for preparation of the required disclosure packets and prohibits any other fees not expressly authorized in the POAA. The bill (i) provides that all declarations shall comply with the terms of the POAA, and the associations created in accordance with the POAA shall have only those powers that are expressly granted in the POAA; (ii) increases the cap on the liability of the association or its manager from \$500 to \$5,000 for actual damages sustained by the seller in the event of the association's failure to comply with the POAA; and (iii) provides that if settlement does not occur within 90 days of the delivery of the disclosure packet, the fee shall be assessed against the lot owner for which the disclosure packet was prepared and shall become as an assessment against the member's lot. The bill contains technical amendments, which reorganize the POAA into three articles: general provisions, disclosure requirements, and operation and management of associations. This bill is identical to HB 516.

*Patron - Whipple*

**SB362 Carbon monoxide detectors.** Prohibits removal or tampering by a tenant of a carbon monoxide detector

installed by a landlord. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Watkins*

## Failed

**HB36 Fair Housing Law; unlawful discrimination; sexual orientation.** Adds discrimination based on sexual orientation as an unlawful discriminatory housing practice.

*Patron - Scott, J.M.*

**HB71 Building permit; impact fees.** Allows localities to adopt provisions for the assessment of impact fees prior to issuance of a building permit. The impact fees may be assessed in relation to the adequacy of education, transportation, parks, or public safety needs. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any impact fee assessment, the locality must identify the particular public facility needs in its comprehensive plan and must have in place a capital improvement program that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. If the locality does not apply impact fees paid by a developer to the capital project that served as the basis for such assessment within six years of collection, then the developer may seek a writ of mandamus to compel the locality to do so.

*Patron - Marshall, R.G.*

**HB174 Uniform Statewide Building Code; rental inspections.** Provides that the City of Roanoke may require the issuance of certificates of compliance with current building regulations for existing residential buildings located in conservation and rehabilitation districts or in blighted areas upon the termination of rental tenancies or when such rental property is sold, or at specific time intervals, for a specific property. The bill limits these inspections to not more than once each calendar year.

*Patron - Ware, O.*

**HB289 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*

**HB302 Uniform Statewide Building Code; use of diesel fuel or motor oil as release agent prohibited; penalty.** Prohibits the use of diesel fuel or motor oil as a release agent for concrete forms during the construction of any building or structure. Under the bill a violation is a Class 1 misdemeanor.

*Patron - Nichols*

**HB332 Spot blight abatement.** Provides for an alternative procedure for abating a blighted property when the owner of record fails to respond within the 30-day period with a written spot blight abatement plan that is acceptable to the chief executive.

*Patron - McClellan*

**HB391 Uniform Statewide Building Code: rental inspection districts.** Creates an exemption to the prohibition of localitywide rental inspection districts for any city or town with a land area of 10 square miles or less, provided the local governing body has made a finding that the homogeneous distribution of rental units makes establishment of separate inspection districts impractical.

*Patron - Bulova*

**HB418 Uniform Statewide Building Code; Board of Housing and Community Development; energy efficiency rating to be included in the final inspection.** Directs the Board of Housing and Community Development to require the energy efficiency rating to be included on the Certificate of Occupancy issued for every residential dwelling pursuant to the Uniform Statewide Building Code.

*Patron - Marshall, R.G.*

**HB498 Uniform Statewide Building Code; Board of Housing and Community Development; standards for the installation of in-building antenna systems.** Requires the Board of Housing and Community Development to establish standards for the installation of in-building antenna systems capable of providing 800 MHz communication coverage.

*Patron - Cosgrove*

**HB541 Uniform Statewide Building Code; statute of limitation for prosecution of violations.** Increases from two to three years the time period within which any prosecution for violation of the Building Code shall be commenced. The bill contains a technical amendment.

*Patron - Orrock*

**HB598 Uniform Statewide Building Code; building permits; notice to owner.** Requires a county, city, or town, prior to the issuance of a building permit for any single-family residential dwelling unit, to notify the owner of the subject property that a building permit application has been filed in such owner's name. The bill also requires a contractor when applying for a building permit to file a written statement, supported by an affidavit, that he is the owner or has been given authority by the owner to make application in the owner's name.

*Patron - McClellan*

**HB617 Virginia Housing Trust Fund.** Creates a dedicated source of funding through a percentage of the recordation tax to be used for the purpose of developing or preserving affordable or assessable housing in localities. Also, changes the name of the Fund from Virginia Housing Partnership Revolving Fund and establishes provisions for providing matching funds to localities. This bill was incorporated into HB 1082.

*Patron - Amundson*

**HB791 Fort Lee Housing Enterprise Zone.** Establishes the Fort Lee Housing Enterprise Zone to encompass a 10-mile radius surrounding the Fort Lee military base located in Prince George County for the purpose of encouraging the construction, redevelopment, or rehabilitation of single- and multi-family housing in the zone. The bill also establishes the Housing Enterprise Zone Tax Credit available to persons who build or substantially redevelop or rehabilitate (i) a single-family home with a value of \$250,000 or less or (ii) a multifamily housing project consisting of apartments with at least two bedrooms and renting for \$750 or less per month, on property located within the Fort Lee Housing Enterprise Zone. In addition, the bill authorizes local governing bodies whose territory is contained within the Fort Lee Housing Enterprise Zone to establish a housing enterprise zone for the purpose of providing incentives and regulatory flexibility to encourage the construction, redevelopment, or rehabilitation of single- and multi-family housing in the zone.

*Patron - Ingram*

**HB895 Uniform Statewide Building Code; amusement devices; definitions.** Provides that the definition of "amusement device" shall not include any temporarily installed

canopy, tent, or similar structure or inflatable device while in use for a private meeting or party limited in attendance to members of the organization sponsoring the event and invited guests.

*Patron - Lohr*

**HB959 Uniform Statewide Building Code; grading limitations.** Provides that the Uniform Statewide Building Code shall not supersede counties', municipalities' and other political subdivisions' grading regulations prescribing maximum slopes in the construction or substantial renovation of single-family detached dwelling units located on lots not exceeding one-half acre.

*Patron - Shannon*

**HB1008 Housing; spot blight abatement; derelict structures.** Authorizes a locality, by ordinance, to impose on the record owner of a derelict structure, an annual fee not to exceed three percent of the most recently assessed value of the derelict structure and the land upon which the structure is situated, provided (i) the locality has established a housing fund in accordance with subdivision B 6 of § 15.2-2305 and (ii) the annual fee is deposited in the housing fund. The bill provides for notice to the owner of such property and an opportunity to abate or remove the derelict structure within a certain time frame. The bill also allows a locality to abate or remove the derelict structure should the owner fail to act; the cost of which shall be a lien on the property. The bill defines derelict structure.

*Patron - McClellan*

**HB1085 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 (§ 36-55.24 et seq.) of Title 36; (iii) proceeds from a bequest, life insurance policy, annuity, or other like source; or (iv) funds received from child or spousal support payments. The bill contains technical amendments.

*Patron - Englin*

**HB1113 Statewide transportation impact fees.** Imposes a fee for the issuance of a certificate of occupancy for every building or structure that is neither exempt from taxation by law nor actually valued at less than \$100,000 at the time such final certificate of occupancy is issued. The fee is due within 90 days of the issuance of such certificate of occupancy. The amount of the fee is equal to five percent of the actual value of such building or structure, exclusive of the first \$100,000 of such actual value. The amount of the fee may, however, increase to five percent of the sales price of such building or structure, exclusive of the first \$100,000 of such sales price, if no fee has been collected on such building or structure and such building or structure is sold within 90 days of the issuance of a certificate of occupancy; in this event, the amount of the fee is due and payable on the date of the settlement of the sale. Under all circumstances, the fee is capped at \$20,000 per building or structure. An amount equal to two-thirds of the fee is deposited into the Transportation Trust Fund and must be spent in the construction district in which the fee was collected. The Governor may waive the collection of the amount to be deposited into the Transportation Trust Fund if he determines that the economic benefits of the building or structure outweigh any negative impact such building or structure may have on transportation. Moreover, an amount equal to the remaining one-third of the fee is deposited into a special inter-

est-bearing account of the locality in which the fee was collected, and such amount must be spent on transportation projects within that locality. A locality may waive the collection of the amount to be deposited into its special interest-bearing account if its governing body determines that the economic benefits of the building or structure outweigh any negative impact such building or structure may have on transportation.

*Patron - Cole*

**HB1119 Derelict structures.** Authorizes a locality, by ordinance, to impose on the record owner of a derelict structure, a fee not to exceed the lesser of \$2,500 or 15 percent of the most recently assessed value of the derelict structure and the land upon which the structure is situated if such owner or owners fail to (i) respond in writing within 30 days from the date notice declaring such structure derelict is sent with an abatement or removal plan to be completed within a reasonable time or (ii) abate or remove the derelict structure within the time prescribed in a plan for abatement or removal which has been approved by the locality. Also, a locality may provide that any owner or owners of such derelict structure who fail to (i) respond to a notice in writing with an abatement or removal plan or (ii) abate or remove the derelict structure as prescribed in an approved plan, shall be guilty of a misdemeanor punishable by a fine of not more than \$2,500. The bill also allows a locality to abate or remove the derelict structure should the owner fail to act; the cost of which shall be a lien on the property. The bill defines derelict structure.

*Patron - Miller, P.J.*

**HB1137 Green roof incentive programs.** Requires the Board of Housing and Community Development to develop guidelines for incentive programs for use by localities to encourage the use of green roofs in the construction and remodeling of residential and commercial buildings. The bill defines a green roof as a roof of a building that is partially or completely covered with soil and vegetation. The bill also authorizes localities to establish green roof incentive programs.

*Patron - Fralin*

**SB167 Uniform Statewide Building Code; use of noncombustible materials in the construction of certain structures.** Requires the Board of Housing and Community Development to promulgate regulations establishing standards for requiring the use of noncombustible materials in the construction of assisted living facilities, residential dwelling units designed or developed and marketed to senior citizens, nursing homes, and nursing facilities.

*Patron - Blevins*

**SB456 Uniform Statewide Building Code; grading limitations.** Provides that the Uniform Statewide Building Code shall not supersede counties', municipalities' and other political subdivisions' grading regulations prescribing maximum slopes in the construction or substantial renovation of single-family detached dwelling units located on lots not exceeding one-half acre.

*Patron - Petersen*

**SB761 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 for certain needy and working families and individuals and to report its findings and recommendations to the Governor and the Housing Commission.

*Patron - Colgan*

## Carried Over

**☐HB1082 Virginia Housing Partnership 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 a percentage of the annual revenue collections from taxes and fees imposed pursuant to the Virginia Recordation Tax Act (§ 58.1-800 et seq.) that are in excess of the official estimates 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. This bill incorporates HB 617.

*Patron - Suit*

**☐SB363 Installation of automatic sprinkler systems; tax credit for initial installation.** Requires that all buildings that (i) are more than 75 feet high or more than six stories high, (ii) are being used to house individuals or to provide guest rooms for occupancy, and (iii) are not equipped with an automatic sprinkler system would be equipped with an automatic sprinkler system by December 31, 2017. The Board of Housing and Community Development would be required to promulgate regulations establishing standards for the automatic sprinkler system. The bill also would make available to the owners of such building an income tax credit equal to 45% of the total amount paid by the owner for the initial installation of the sprinkler system. The tax credit could be carried forward for 10 years. This is a recommendation of the Virginia Housing Commission.

*Patron - Watkins*

**☐SB458 Rental inspection districts.** Removes language that expressly rejects any construction of the rental inspection districts statute as an authorization for a locality-wide rental inspection district.

*Patron - Petersen*

**☐SB661 Virginia Housing Partnership 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 a percentage of the annual revenue collections from taxes and fees imposed pursuant to the Virginia Recordation Tax Act (§ 58.1-800 et seq.) 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*

## Institutions for the Mentally Ill; Mental Health Generally

### Passed

**☐HB401 Emergency custody; who may accept custody.** Allows the law-enforcement agency transporting a person to a facility or location pursuant to an emergency custody order to transfer custody of the person to the facility or location if the facility or location (i) is licensed to provide the level of security necessary to protect the person and others from harm, (ii) is actually capable of providing this level of security, and (iii) has entered into an agreement with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody. The facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody. This bill is identical to HB 81.

*Patron - Hamilton*

**☐HB499 Involuntary commitment; outpatient treatment; etc.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment proceedings, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. The bill also provides that a person who meets the criteria for involuntary commitment may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available, and the person has the capacity to comply with such outpatient treatment and has agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a person's non-compliance with such treatment will be addressed. The bill also provides that, upon request, any health care provider or other provider rendering services to persons subject to emergency custody orders, temporary detention orders, or involuntary commitment proceedings shall disclose to certain entities and individuals all information necessary and appropriate for the entities or individuals to perform their duties in relation to such orders or proceedings. Any health care provider shall be immune for any harm resulting from the disclosure of health records unless he intended the harm or acted in bad faith. The bill also authorizes a single two-hour extension of an emergency custody order; provides that a person under a temporary detention order may be released prior to 48 hours after the order is executed if the person does not pose a danger to himself or others; expands those persons qualified to perform an independent examination of a person prior to a commitment hearing to include clinical social workers, professional counselors, psychiatric nurse practitioners, and clinical nurse specialists; sets forth factors that may be considered when determining whether probable cause exists to issue an emergency custody order or temporary detention order and factors that shall be considered prior to entry of an involuntary commitment order or mandatory outpatient treatment order; and makes several changes concerning the conduct of prescreening reports and independent examinations and the presentation of these reports or examinations at the required hearings. This bill

incorporates HB 816, HB 1322, and HB 1491. This bill is identical to SB 246.

*Patron - Hamilton*

**HB559 ECO, TDO, involuntary commitment; criteria.** Changes the criteria for emergency custody orders, temporary detention orders, involuntary commitment, and outpatient treatment, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into custody, temporarily detained, involuntarily committed, or ordered to outpatient treatment if the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. This bill incorporates HB 1059 and HB 1237.

*Patron - Bell*

**HB560 Commitment hearing; independent examiner or community services board member attending.** Requires the independent examiner and the community services board employee or designee who prepared the prescreening report, or if the hearing occurs in a different jurisdiction, an employee or designee of the local community services board or behavioral health authority serving that jurisdiction, to attend the commitment hearing or, if physical attendance is not practicable, to participate in the hearing through a two-way electronic video and audio or telephonic communication system. The bill also provides that the initial period of involuntary commitment shall be 30 days and allows for a subsequent order authorizing an additional period of 180 days. The bill also sets forth conditions for when a person may be ordered to mandatory outpatient treatment.

*Patron - Bell*

**HB576 Medical records; disclosure; safe harbor.** Provides that, upon request, any health care provider or other provider rendering services to persons subject to emergency custody orders, temporary detention orders, or involuntary commitment proceedings shall disclose to certain entities and individuals all information necessary and appropriate for the entities or individuals to perform their duties in relation to such orders or proceedings. The bill also provides that any health care provider shall be immune for any harm resulting from the disclosure of health records unless he intended the harm or acted in bad faith. This bill incorporates HB 1324.

*Patron - Watts*

**HB583 Emergency custody orders; extension of time.** Allows the magistrate to extend the time of emergency custody orders for one two-hour period if good cause exists to grant the extension. Good cause for an extension includes the need for additional time to (i) find a suitable facility in which to temporarily detain the person subject to the order, or (ii) complete a medical evaluation of the person.

*Patron - Marsden*

**HB707 Temporary custody orders; secure facility.** Provides that a person who is subject to a temporary detention order shall remain in the custody of a law-enforcement officer until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by the facility identified in the temporary detention order.

*Patron - Janis*

**HB760 Replacing "mentally retarded" with "intellectual disability."** Replaces the term "mentally retarded" with the term "person with intellectual disability" and replaces the term "mental retardation" with the term "intellectual disability" in the Code of Virginia. This bill contains a reenactment clause. This bill is identical to SB 620.

*Patron - Caputo*

**HB815 Mental health treatment; report to CCRE; restoration of rights to possess firearms.** Codifies Executive Order 50, requiring information regarding involuntary admission to a facility or for mandatory outpatient treatment be forwarded to the Central Criminal Records Exchange for purposes of determining an individual's eligibility to possess, purchase, or transfer a firearm. The bill also makes substantive changes to who may possess, purchase, or transfer a firearm. In addition to those ordered to involuntary treatment pursuant to Title 37.2, the bill makes it illegal for a person found incompetent to stand trial and ordered to mental health treatment to possess or purchase a firearm. The bill also makes it illegal for a person who was the subject of a temporary detention order, and subsequently agreed to voluntarily admission for mental health treatment, to possess or purchase a firearm. Such person would be advised that agreeing to voluntary treatment would affect the person's right to possess or purchase a firearm. Finally, the bill revises the procedures for a person prohibited from possessing or purchasing a firearm because of an acquittal by reason or insanity, involuntary mental health treatment, or voluntary mental health treatment after a temporary detention order to restore his rights to purchase or possess a firearm. This bill incorporates HB 535, HB 657, HB 741, HB 835, HB 1054, HB 1168, HB 1475, and HB 1517. This bill is identical to SB 216.

*Patron - Albo*

**HB1144 Involuntary commitment hearings; factors to consider.** Allows the magistrate, when considering whether to issue an emergency custody order or a temporary detention order, to consider: (i) the recommendations of any treating or examining physician licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate deems relevant to the determination of whether to issue a temporary detention order. The bill also requires that the special justice, when considering a petition for involuntary commitment or mandatory outpatient treatment, shall consider items (i), (ii), (iii), (v), and (vii), as well as the examiner's certification and the preadmission screening report. This bill incorporates HB 737 and HB 1139.

*Patron - Fralin*

**HB1203 Mental health and substance abuse treatment providers; background checks.** Allows community services boards and providers licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire as a direct care employee in adult substance abuse or mental health treatment programs a person who has been convicted of a misdemeanor violation relating to assault and battery as long as such offenses were substantially related to substance abuse or mental illness and the applicant has been rehabilitated. This bill is identical to SB 381 (Martin).

*Patron - Melvin*

**HB1323 Temporary detention orders (TDOs); treating physicians.** Requires a magistrate to issue TDOs upon the recommendation of any responsible person, any treating physician or upon his own motion after an in-person evaluation by

an employee or designee of the local Community Services Board (CSB), where it appears from all of the evidence readily available that the person meets the criteria for a temporary detention order.

*Patron - Toscano*

**HB1354 Substance abuse services; applications for funding.** Changes the review process for federal funding applications to be consistent with current practices. Only applications that are approved for federal funding must now be sent to the Department of Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - Ware, O.*

**SB81 Emergency custody; who may accept custody.** Allows the law-enforcement agency transporting a person to a facility or location pursuant to an emergency custody order to transfer custody of the person to the facility or location if the facility or location (i) is licensed to provide the level of security necessary to protect the person and others from harm, (ii) is actually capable of providing this level of security, and (iii) has entered into an agreement with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody. The facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody. This bill incorporates SB 66. This bill is identical to HB 401.

*Patron - Cuccinelli*

**SB141 Discharge planning; release from state hospitals.** Clarifies that a discharge plan prepared by the community services board for persons discharged from a state hospital or training facility shall identify the services that the person discharged will require upon release and the public or private entities that will provide the necessary services.

*Patron - Edwards*

**SB142 Involuntary commitment hearings; recordings.** Requires that each hearing be recorded separately, so that no more than one hearing is recorded per tape or other recording.

*Patron - Edwards*

**SB246 Involuntary commitment; outpatient treatment; etc.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment proceedings, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. The bill also provides that a person who meets the criteria for involuntary commitment may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available, and the person has the capacity to comply with such outpatient treatment and has agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a person's non-compliance with such treatment will be addressed. The bill also provides that, upon request, any health care provider or other provider rendering services to persons subject to emergency custody orders, temporary detention orders, or involuntary commitment proceedings shall disclose to certain entities and individuals all information necessary and appropriate for

the entities or individuals to perform their duties in relation to such orders or proceedings. Any health care provider shall be immune for any harm resulting from the disclosure of health records unless he intended the harm or acted in bad faith. The bill also authorizes a single two-hour extension of an emergency custody order; provides that a person under a temporary detention order may be released prior to 48 hours after the order is executed if the person does not pose a danger to himself or others; expands those persons qualified to perform an independent examination of a person prior to a commitment hearing to include clinical social workers, professional counselors, psychiatric nurse practitioners, and clinical nurse specialists; sets forth factors that may be considered when determining whether probable cause exists to issue an emergency custody order or temporary detention order and factors that shall be considered prior to entry of an involuntary commitment order or mandatory outpatient treatment order; and makes several changes concerning the conduct of prescreening reports and independent examinations and the presentation of these reports or examinations at the required hearings. This bill incorporates SB 75, SB 78, SB 79, SB 80, SB 96, SB 97, SB 101, SB 103, SB 104, SB 129, SB 139, SB 140, SB 144, SB 217, SB 220, SB 273, SB 341, and SB 769. This bill is identical to HB 499.

*Patron - Howell*

**SB297 Department of Veterans Services; mental health and rehabilitative services.** Requires that the Department of Veterans Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Rehabilitative Services to cooperate in establishing a program to monitor and coordinate mental health and rehabilitative services support for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service. This bill incorporates SB 304 and is identical to HB 475.

*Patron - Puller*

**SB336 Temporary detention orders; encryption of medical records not required.** Provides that a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

*Patron - Cuccinelli*

**SB381 Mental health and substance abuse treatment providers; background checks.** Allows community services boards and providers licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire as a direct care employee in adult substance abuse or mental health treatment programs a person who has been convicted of assault and battery, so long as such offense was substantially related to substance abuse or mental illness and the applicant has been rehabilitated. This bill is identical to HB 1203 (Melvin).

*Patron - Martin*

**SB620 Replacing "mentally retarded" and "mental retardation" with "intellectually disabled."** Replaces the terms "mentally retarded" and "mental retardation" with the term "intellectual disability" throughout the Code of Virginia. This bill incorporates SB 687 and is identical to HB 760.

*Patron - Ticer*

## Failed

**HB173 Execution of emergency custody orders; sheriffs.** Provides that a magistrate issuing an emergency custody order or temporary detention order may designate either a jurisdiction's police department or sheriff to execute the order.

*Patron - Ware, O.*

**HB256 Involuntary outpatient commitment; five day review of compliance.** Requires the community services board designated to monitor compliance with an order for involuntary outpatient commitment to contact the person who is the subject of the order for involuntary outpatient commitment five days after the order for involuntary outpatient treatment is entered, to determine whether the person has complied with the order, and to identify and take all reasonable steps to resolve issues that may have resulted in noncompliance. Thereafter, the community services board, behavioral health authority, or designated provider shall continue to monitor the person's compliance with the treatment ordered by the court.

*Patron - Fralin*

**HB257 Jury trial in violent sexual predator determination proceedings.** Provides that a court may require the empanelment of a jury in violent sexual predator determination proceedings when no demand is made by either party for a trial by jury.

*Patron - Fralin*

**HB258 Voluntary commitment as sexually violent predator.** Allows a judge, after a probable cause hearing to determine a person's status as a sexually violent predator, for purposes of indeterminate commitment, inquire of the respondent if he acknowledges that he is a sexually violent predator as defined in § 37.2-900 and if he is therefore willing to submit to commitment and treatment without proceeding to trial for such a determination. If the respondent so acknowledges and so submits, the court shall proceed as if a determination that he is a sexually violent predator had been made at trial.

*Patron - Fralin*

**HB267 Involuntary commitment; indigent petitioner; right to counsel.** States that, upon a finding that a petitioner is indigent, the court shall appoint the petitioner counsel.

*Patron - Albo*

**HB706 Temporary detention order; transportation to a medical facility for assessment.** Allows a magistrate to issue a temporary detention order, without a face-to-face evaluation, for the purposes of transportation to a medical facility for assessment.

*Patron - Janis*

**HB737 Independent examiner; records to be reviewed.** Requires that the independent examiner review, at a minimum, the medical records of the person who is the subject of an involuntary commitment hearing, the prescreening report, and any other relevant, readily accessible reports, records, and evidence related to the person who is the subject of an involuntary commitment hearing, prior to conducting an examination. This bill also requires that the independent examiner certify at the hearing that he has reviewed the medical records of the person who is the subject of an involuntary commitment hearing, the prescreening report, and all other relevant, readily accessible reports, records, and evidence related to the person who is the subject of the hearing. This bill has been incorporated into HB 1144.

*Patron - Caputo*

**HB765 Relating to payment of cost of transportation under emergency custody order or temporary detention order.** Adds provision that the cost of transportation of a person pursuant to an emergency custody order or temporary detention order shall be paid by the Commonwealth from the same funds as for care in jail.

*Patron - Tata*

**HB782 Mental health records; disclosure.** Mandates disclosure of the subject of an involuntary commitment procedure's records to any magistrate, court, mental health examiner, community services board, or behavioral health authority, or law-enforcement officer involved in the proceeding, and provides civil immunity for the health entities making such disclosure. Also requires public colleges and universities to develop policies designating campus law-enforcement and health center employees as school officials with an educational interest in school records, for the purpose of facilitating disclosure under the Family and Educational Privacy Rights Act.

*Patron - Kilgore*

**HB816 Outpatient treatment; compliance; medication.** Provides that the community services board, behavioral health authority, or designated provider charged with monitoring a person's compliance with an involuntary outpatient treatment order shall report any material noncompliance, including a failure to take medication, with that order to the judge or special justice. Upon receipt of a report of material noncompliance, the judge or special justice shall issue a temporary detention order and then proceed to hold an involuntary commitment hearing, as a result of which the court may revoke outpatient treatment and order the person's involuntary commitment. This bill was incorporated into HB 499.

*Patron - Albo*

**HB937 Disclosure of medical information; outpatient treatment noncompliance.** Clarifies that health care providers who are treating a person under an outpatient treatment order may disclose information, including health records of the patient, to determine the person's compliance with the treatment order.

*Patron - Gilbert*

**HB938 Commitment hearings; petitioner right to appeal.** Gives the petitioner the right to appeal a decision by the judge or special justice not to involuntarily commit a respondent.

*Patron - Gilbert*

**HB939 Involuntary commitment; transfer to outpatient treatment.** Provides that the person subject to an involuntary commitment order may petition the court to order that he be transferred to involuntary outpatient treatment or released and, upon consideration of the petition, a commitment hearing shall be conducted within 10 days. Only one such petition may be filed during each involuntary commitment order period.

*Patron - Gilbert*

**HB948 Legal fees and expenses for community services board employees.** Allows an employee of a community services board who is arrested, indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, against whom the charge is subsequently dismissed or in whose case a verdict of not guilty is subsequently rendered, to request and receive payment for all or a portion of the legal fees and expenses incurred in

defending the charge from the community services board by which he is employed.

*Patron - Iaquinto*

**HB1006 Evidence in emergency custody order and temporary detention order hearings.** Clarifies that a magistrate may consider any past actions of the person, past mental health treatment of the person, medical records, hearsay evidence, any affidavits submitted, or any other relevant information when deciding whether to issue an emergency custody order or temporary detention order.

*Patron - Bell*

**HB1041 Sexually violent predators; penalties.** Revises provisions relating to the civil commitment and conditional release process. This bill imposes a Class 6 felony for absconding from custody or failing to return to the Commonwealth in violation of a court order.

*Patron - Griffith*

**HB1059 Involuntary commitment; criteria.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that (i) the person has a mental illness, and (ii) there exists a substantial likelihood that, as a result of that mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm, or (b) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs. This bill has been incorporated into HB 559.

*Patron - Amundson*

**HB1138 Representation of petitioner during civil commitment hearing; Commonwealth's attorney.** Provides that a petitioner during a civil commitment hearing shall be represented by an attorney from the local Commonwealth's attorney's office.

*Patron - Fralin*

**HB1139 Consideration of the preadmission screening report.** Requires the judge or special justice to consider the written prescreening report, even if the community services board or behavioral health authority representative presents the report orally at the hearing. This bill has been incorporated into HB 1144.

*Patron - Fralin*

**HB1146 Medical records; disclosure; magistrate or independent examiner.** Allows persons involved in the civil commitment process to access the medical records of the person who is the subject of the civil commitment process.

*Patron - Fralin*

**HB1322 Outpatient orders; compliance; oversight.** Specifies that the court shall determine the specific course of treatment for outpatient treatment orders, and the community service board (CSB), the behavioral health authority (BHA), or a designated service provider shall notify the court of noncompliance. Also states that the clerk shall certify the order and send a copy of the same to the CSB, BHA, designated service provider, and the person who is the subject of the order. This bill was incorporated into HB 499.

*Patron - Toscano*

**HB1324 Mental health records; mandatory sharing.** Requires mental health care providers to share the medical information of persons, including juveniles and incarcerated

persons, who are being examined pursuant to the civil commitment process with magistrates, courts and others involved in the evaluation of the person. This bill was incorporated into HB 576.

*Patron - Toscano*

**HB1491 Temporary detention orders; duration.** Provides that the duration of temporary detention shall not exceed 96 hours. This bill has been incorporated into HB 499.

*Patron - Nutter*

**HB1517 Temporary detention orders; voluntary and involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange.** Prohibits a person who is the subject of a temporary detention order and subsequently agrees to voluntary admission to a mental health facility from purchasing or possessing a firearm. The bill also clarifies existing law that prohibits a person who has been involuntarily committed to inpatient treatment or who is ordered to involuntary outpatient treatment from purchasing or possessing a firearm. This bill has been incorporated into HB 815.

*Patron - Marsden*

**SB58 Emergency custody order; renewal.** Allows a single, four-hour extension of an emergency custody order upon a finding by a magistrate that good cause exists for such an extension.

*Patron - Howell*

**SB59 Community services board; attend all hearings.** Requires that an employee of the community services board that prepared the preadmission screening report attend the involuntary commitment hearing. The bill provides that where in person attendance is not practicable, attendance may be by electronic means. Further it provides that where the hearing is held in the jurisdiction of another community services board, an employee of the community services board serving that jurisdiction may attend on behalf of the community services board that prepared the preadmission screening report.

*Patron - Howell*

**SB60 Involuntary commitment; criteria.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that (i) the person has a mental illness, and (ii) there exists a substantial likelihood that, as a result of that mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm, or (b) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs.

*Patron - Howell*

**SB64 Community services boards; core services.** Adds crisis stabilization, outpatient, respite, in-home, and residential and housing services to the list of core services required to be provided by community services boards.

*Patron - Howell*

**SB66 Emergency custody; who may accept custody.** Allows the location to which a person is transported pursuant to an emergency custody order to accept custody of the person where (i) the location is licensed to provide the level of security necessary to protect the person and others from harm, (ii) the location is actually able to provide the level of security necessary to protect the person and others from harm, and (iii) the

location is willing to accept custody of the person. This bill has been incorporated into SB 81.

*Patron - Howell*

**SB75 Community services board; attend all hearings.** Requires that an employee of the community services board that prepared the preadmission screening report attend the involuntary commitment hearing. The bill provides that where in person attendance is not practicable, attendance may be by electronic means. Further it provides that where the hearing is held in the jurisdiction of another community services board, an employee of the community services board serving that jurisdiction may attend on behalf of the community services board that prepared the preadmission screening report. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB78 Examination by independent examiner; time frame.** Requires that the examination of a person who is the subject of an involuntary commitment hearing be completed within 48 hours of the execution of the temporary detention order but sufficiently in advance of the hearing so as to ensure sufficient time for a thorough examination. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB79 Independent examiner, records to be reviewed.** Requires that the independent examiner review, at minimum, the medical records of the person who is the subject of an involuntary commitment hearing, the prescreening report, and any other relevant, readily accessible reports, records and evidence related to the person who is the subject of an involuntary commitment hearing, prior to conducting an examination. This bill also requires that the independent examiner certify at the hearing that he has reviewed the medical records of the person who is the subject of an involuntary commitment hearing, the prescreening report, and all other relevant, readily accessible reports, records and evidence related to the person who is the subject of the hearing. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB80 Involuntary commitment; electronic examination by independent examiner.** Requires that all examinations be conducted in person unless the examination cannot be completed within 48 hours of the issuance of the temporary detention order, in which case the examination may be made via electronic means. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB96 Involuntary commitment hearings; confidentiality of records.** Clarifies that recordings of any involuntary commitment hearing shall be held by the clerk of the general district court where the hearing is held, and that all recordings and records of such hearings shall be confidential, unless such confidentiality is waived, in a signed writing, by the subject of such a hearing. The bill provides that the dispositional order of such hearing may be made available by court order, if such disclosure is in the best interest of the subject of the hearing or the public. The bill also directs the judge or special justice to order that copies of the relevant records of the person be released to (i) the facility in which he is placed; (ii) the community services board or behavioral health authority of the jurisdiction where the person resides or which is ordered to monitor any mandatory outpatient treatment order; (iii) any treatment providers identified in a treatment plan incorporated into any mandatory outpatient treatment order; and (iv) any other treatment providers or entities. This bill has been incorporated into SB 246.

*Patron - Lucas*

**SB97 Mental health records; disclosure.** Mandates disclosure of the subject of an involuntary commitment procedure's health records to any magistrate, court, mental health examiner, community services board or behavioral health authority, or law-enforcement officer involved in the proceeding, whether the proceeding involves a minor, a criminal defendant, or other individual. This bill has been incorporated into SB 246.

*Patron - Lucas*

**SB101 Emergency custody order; renewal.** Allows a single, four-hour extension of an emergency custody order upon a finding by a magistrate that good cause exists for such an extension. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB102 Three-tiered system of transportation.** Establishes a three-tiered system of transportation for persons under an emergency custody order, temporary detention order, or involuntary commitment order.

*Patron - Cuccinelli*

**SB103 Independent examiner's report; admissibility of written certification.** States that the written certification of an independent examiner shall be admissible, despite objections to its admissibility if the independent examiner is either present at the hearing in person or is electronically available. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB104 Outpatient treatment; compliance.** Provides that the community services board, behavioral health authority, or designated provider charged with monitoring a person's compliance with an involuntary outpatient treatment order shall report any material noncompliance with that order to the judge or special justice. Upon receipt of a report of material noncompliance, the judge or special justice shall issue a temporary detention order and then proceed to hold an involuntary commitment hearing, as a result of which the court may revoke outpatient treatment and order the person's involuntary commitment. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB106 Involuntary commitment criteria; outpatient treatment.** Changes the criteria for determining when outpatient treatment may be ordered for a person whose involuntary commitment is sought. The new criteria would be that the person has a mental illness and, as a result of that mental illness, (i) there is a substantial likelihood that in the near future he will cause serious physical harm to himself or another person as evidenced by recent behavior causing, attempting, or threatening such harm, (ii) there is a substantial likelihood that in the near future he will suffer serious harm due to substantial deterioration of his capacity to protect himself from such harm or to provide for his basic human needs, or (iii) he is unable to comprehend the nature of his illness or the need for treatment, is experiencing a substantial impairment of his judgment, reasoning, or behavior, and will, if not treated, suffer or continue to suffer a substantial deterioration in his previous ability to function in the community. Currently, the criteria for involuntarily committing a person to inpatient or outpatient treatment is the same.

*Patron - Cuccinelli*

**SB129 Involuntary commitment; criteria.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that (i) the

person has a mental illness and (ii) there exists a substantial likelihood that, as a result of that mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm or (b) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs. The bill also changes the criteria for the involuntary commitment of criminal defendants prior to trial, after conviction but before sentencing, and after sentencing to conform with clause (i) and (ii) (a) discussed above. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB139 Community services board; attend all hearings.** Requires that an employee of the community services board that prepared the preadmission screening report attend the involuntary commitment hearing. The bill provides that where in person attendance is not practicable, attendance may be by electronic means. Further it provides that where the hearing is held in the jurisdiction of another community services board, an employee of the community services board serving that jurisdiction may attend on behalf of the community services board that prepared the preadmission screening report. This bill has been incorporated into SB 246.

*Patron - Edwards*

**SB140 Training of persons conducting independent examinations.** Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop and implement a program for the training of persons conducting independent examinations and requires persons to be certified as having completed the training program before conducting independent examinations. This bill has been incorporated into SB 246.

*Patron - Edwards*

**SB143 Temporary detention order; extend time period.** Extends the duration of a temporary detention order to 96 hours.

*Patron - Edwards*

**SB144 Involuntary commitment; criteria.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that (i) the person has a mental illness, and (ii) there exists a substantial likelihood that, as a result of that mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm, or (b) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs. This bill has been incorporated into SB 246.

*Patron - Edwards*

**SB214 Special justices; training.** Provides that all special justices, upon their appointment or reappointment, are required to complete the minimum training program prescribed by the Executive Secretary of the Supreme Court. Currently, only special justices who are appointed on or after January 1, 1996, are required to complete this program. The bill also requires all special justices to complete annually six hours of continuing legal education directly related to their duties. Such education is to be developed or approved by the Executive Secretary and shall be considered an approved Continuing Legal Education course for the purposes of the Mandatory Continuing Legal Education Rule of the Supreme Court of Virginia.

*Patron - Edwards*

**SB217 Involuntary commitment; independent examination.** Provides that a health care entities may shall disclose records to independent examiners conducting examinations of a person who is the subject of an involuntary commitment order. This bill also clarifies that a person who is subject to a temporary detention order shall be given a thorough psychological evaluation, including a substance abuse screening and that the independent evaluator shall review the person's medical records including records of any previous psychological evaluations, prior to conducting the evaluation. This bill has been incorporated into SB 246.

*Patron - Edwards*

**SB220 Monitoring of compliance with outpatient treatment order.** Provides that the community services board or behavioral health authority that serves the city or county in which a person subject to an outpatient treatment order resides shall develop an outpatient treatment plan, which shall identify the community services board, behavioral health authority, or other provider designated to monitor the person's compliance with the order. This bill also provides that upon receiving notification of noncompliance with the order, the court shall issue a show cause order regarding the person's noncompliance with the order and may amend the involuntary outpatient treatment order or revoke the outpatient treatment order. This bill has been incorporated into SB 246.

*Patron - Edwards*

**SB255 Involuntary mental health treatment; possession of firearms.** Allows a judge or special justice who issues an order for involuntary admission to a facility or involuntary outpatient treatment to also order that any firearms be removed from the possession of the person subject to the order.

*Patron - Deeds*

**SB273 Emergency custody orders, temporary detention orders, and involuntary admissions.** Eliminates the requirement that an individual pose an imminent danger to himself or others; adds a requirement that handcuffs or other restraints may be used during transportation only if the person is deemed to be a danger to himself or others; and adds a requirement that the testimony of family members, friends, treating or examining physicians, or other individuals with a knowledge of the person's mental or emotional state be considered prior to the ordering of an emergency custody order, temporary detention order, or order for involuntary admission. This bill has been incorporated into SB 246.

*Patron - Deeds*

**SB304 Veterans Services; mental health program.** Requires the Commissioner of Veterans Services to develop, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services, a strategy for coordinating the various programs that address the unique mental health needs of veterans, including post-traumatic stress disorder and traumatic brain injuries, and to seek additional federal, state, and private sources of funding for such programs. This bill was incorporated into SB 297.

*Patron - Houck*

**SB333 Independent examiners; dismissal of involuntary commitment petitions.** Provides that an independent examiner who examines a person prior to an involuntary commitment hearing may authorize the release of such person if he concludes there is not probable cause to believe that the person (i) presents an imminent danger to himself or others as a result of mental illness or is so seriously mentally ill as to be substantially unable to care for himself and (ii) requires involuntary inpatient treatment. If the person's release is authorized, the

judge or special justice shall enter an order dismissing the petition for involuntary commitment. The bill also provides that independent examiners are immune for any act or omission in the performance of their duties, except in the case of willful misconduct.

*Patron - Cuccinelli*

**SB335 Voluntary outpatient treatment.** Provides the option for voluntary outpatient treatment prior to the commitment hearing if a special justice or judge can ascertain whether or not (i) there is appropriate treatment for the person's condition, (ii) the service providers agree to provide the services necessary, and (iii) the person has sufficient capacity to understand and adhere to the treatment plan. Also provides that the person would have to sign an agreement and that such agreement would be admissible at any subsequent commitment hearing.

*Patron - Cuccinelli*

**SB341 Temporary detention order; hearing.** Provides that a hearing on an involuntary temporary detention order shall be held no sooner than 24 hours and no later than 72 hours from the time of the issuance of the order. Currently, such hearings are to be conducted within 48 hours from the time of the issuance of the order. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB687 Replacing "mentally retarded" with "intellectually disabled."** Replaces the term "mentally retarded" with the term "intellectually disabled" and replaces the term "mental retardation" with the term "intellectual disability" throughout the Code of Virginia. This bill was incorporated into SB 620.

*Patron - Howell*

**SB769 Commitment hearing; independent examiner or community services board member attending.** Requires the independent examiner and the community services board employee or designee who prepared the prescreening report, or if the hearing occurs in a different jurisdiction, an employee or designee of the local community services board or behavioral health authority serving that jurisdiction, to attend the commitment hearing. This bill has been incorporated into SB 246.

*Patron - Hurt*

## Carried Over

**HB751 Involuntary hearing results; accessibility by colleges and universities.** Allows colleges and universities to access the outcome of an involuntary commitment hearing by making a motion to the court.

*Patron - Peace*

**SB177 Mental health; assisted outpatient treatment.** Establishes a program of assisted outpatient treatment for the severely mentally ill. The bill authorizes assisted outpatient treatment for persons previously hospitalized due to noncompliance with prescribed psychiatric treatment, who would be likely to meet the criteria for inpatient commitment without 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 a magistrate to issue a temporary detention order for an individual who fails to comply with an outpatient treatment order without good cause. 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*

**SB274 Involuntary commitment; transfer to outpatient treatment.** Provides that the director of any facility in which a person subject to an involuntary commitment order is detained may petition the judge or special justice to order the person transferred to involuntary outpatient treatment if the director concludes that the person satisfies the criteria for outpatient treatment and that the person's mental illness would be more effectively treated in such an environment. Any petition for such a transfer must be accompanied by an affidavit from a psychiatrist or psychologist stating that he had personally examined the committed person within the five days preceding the filing of the petition and that he recommends the person be transferred to outpatient treatment. Upon receipt of a petition to transfer, the court judge or special justice shall proceed to hold a commitment hearing within 10 days.

*Patron - Cuccinelli*

**SB429 Opiate addiction treatment providers; daily service fee.** Requires that any licensed provider of treatment for persons with opiate addiction shall pay a daily service fee of not greater than 1.5 percent of each consumer's daily dosing fee. The provider shall be responsible for calculating and collecting the fee, and on a quarterly basis, forwarding the collected fees to the Department.

*Patron - Lucas*

## Insurance

### Passed

**HB116 Foreign title insurance companies; unearned premium reserves.** Authorizes foreign title insurance companies to establish and maintain unearned premium reserves on title insurance policies issued on Virginia properties pursuant to the reserving laws of the companies' domiciliary regulator, if the domiciliary regulator is accredited under the National Association of Insurance Commissioner's Financial Regulation Standards and Accreditation Program. Currently, foreign title insurance companies are required to maintain unearned premium reserves at the higher of the amount required of domestic title insurance companies or the amount required in the jurisdiction of domicile.

*Patron - Ware, R.L.*

**HB196 Group health insurance; coverage for students.** Clarifies that when a group health insurance policy provides coverage for a dependent child who is enrolled based upon his status as a full-time student and who becomes unable to continue as a full-time student due to a medical condition, coverage under the policy will continue if the child's treating physician certifies that the child's absence is medically necessary. Coverage for the child shall continue until (i) the date that is 12 months from the date the child ceases to be a full-time student or (ii) the date the child no longer qualifies under the group policy, whichever first occurs.

*Patron - Alexander*

**HB298 Surplus lines insurance; "diligent effort" requirement.** Eliminates the requirement that surplus lines brokers make a diligent effort to procure insurance, in a form and at a premium acceptable to the insured, from an insurer licensed in Virginia before he provides a surplus lines policy.

*Patron - Hargrove*

**HB336 Insurance market analyses; confidentiality.** Establishes that (i) market analyses concerning insurance companies and obtained from the National Association of Insurance Commissioners, (ii) all market analyses generated by the State Corporation Commission, (iii) working papers, recorded information, and documents generated in the course of a market analysis or market conduct action, and (iv) documents or information received in the course of a market analysis or market conduct action from the NAIC, a law-enforcement official of any state or country, or regulatory officials of any state or country that are confidential in those jurisdictions shall receive confidential treatment by the Commission, shall not be subject to subpoena, and are not public records. The measure also requires the Commission to consider the results of market analyses in determining the nature, scope, and frequency of insurance company examinations. Finally, the measure provides that procedures for market conduct examinations shall be subject to provisions regarding confidentiality of ancillary information and immunity from liability.

*Patron - McClellan*

**HB349 Insurance licensing; certificates of authority.** Eliminates the requirement that a foreign or domestic business entity first obtain a certificate of authority, including a certificate of registration, certificate of organization, certificate of limited partnership, or charter, from the State Corporation Commission prior to being eligible to obtain a license as an insurance agent, consultant, surplus lines broker, or viatical settlement broker.

*Patron - Plum*

**HB397 Health maintenance organizations; deductibles.** Removes limitations on the deductibles or co-payments, or both, that a health maintenance organization may require enrollees to pay.

*Patron - Hamilton*

**HB431 Title insurance agents; pre-licensing education course.** Requires applicants for a resident title insurance agent license to have completed, within the year preceding application and examination, at least 16 hours of instruction through a classroom or distance education.

*Patron - Frederick*

**HB504 Health insurance; exclusive provider policies or contracts.** Authorizes insurers to offer individual or group exclusive provider policies or contracts, which are insurance policies or contracts that condition the payment of benefits on the use of preferred providers. The insurer is required to provide an option in group contracts whereby each enrollee may, at no additional cost to the group contract holder, select a benefit for preferred and nonpreferred providers. Exclusive provider policies or contracts shall provide out-of-network emergency services at the minimum level required by the preferred provider policy or contract.

*Patron - Hamilton*

**HB542 Insurance agents; notice of appointment.** Requires the insurer, rather than the State Corporation Commission, to notify an appointed agent of the status of his appointment. The notice shall be given within five business days of the insurer's receipt of notice from the Commission that the appointment of the agent is valid or invalid. An agent is prohibited from selling or soliciting insurance after receiving notice of an invalid appointment.

*Patron - Nixon*

**HB549 Insurance; funding agreements.** Provides that the assets of a separate account to which an insurer has allo-

cated assets under a funding agreement shall not be chargeable with liabilities arising out of any other business that the insurer conducts. If a separate account is not chargeable with liabilities arising out of such other business, a risk charge will be payable from the separate account to the insurer's general account. The measure also provides that funding agreement assets held in the insurer's general account, and other obligations due under the funding agreement from the general account, will be treated as an insurance contract. In addition, a domestic insurer that has established separate accounts for funding agreements and has allocated funds to such separate accounts shall file with the State Corporation Commission any prescribed periodic or special reports. An insurer shall not make an agreement providing for the allocation of funding agreement amounts to a separate account until a statement as to its methods of operation has been approved by the Commission.

*Patron - Nixon*

**HB728 Uniform group health insurance application form.** Directs the State Corporation Commission's Bureau of Insurance, with the assistance of a work group comprised of representatives of health insurers, insurance agent organizations, employer organizations, and the Virginia Association of Health Plans, to develop a uniform group health insurance application form. The development of the uniform form is to be completed by July 1, 2009. Upon completion of the form, the Bureau shall provide copies to insurers, along with instructions for its use.

*Patron - Scott, E.T.*

**HB831 State Corporation Commission; confidentiality.** Authorizes the State Corporation Commission to share information with local law-enforcement authorities, provided the recipient agrees to maintain its confidential and privileged status.

*Patron - Hargrove*

**HB914 Nonrenewal of liability, fire, and motor vehicle insurance policies.** Establishes exceptions to prohibitions on the refusal to renew certain liability, fire, and motor vehicle insurance policies. Such renewal provisions will not apply to an insurer if an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. SB 612 is identical.

*Patron - Purkey*

**HB1176 Motor vehicle insurance; payments for paint and materials.** Provides that setting arbitrary and unreasonable limits on what an insurer will allow as reimbursement for paint and materials is an unfair settlement practice. Identical to SB 697.

*Patron - Lingamfelter*

**HB1305 Virginia Birth-Related Neurological Injury Compensation Program.** Increases the annual assessment for physicians who participate in the Virginia Birth-Related Neurological Injury Compensation Program from its current level of \$5,300 to \$5,600, which amount will increase thereafter to a maximum of \$6,200. The annual participating hospital assessment will increase from \$50 per live birth to \$52.50 per live birth in 2008, which amount will increase each year thereafter by \$2.50 per live birth to a maximum of \$55 per live birth. The size of the board of directors of the Program is increased from seven to nine. Provision is made for covered expenses to cover therapeutic, nursing and attendant care, medications and supplies, and for attendant nursing care that is provided by the claimant's relatives when beyond what is normally provided family members of uninjured children. The measure also (i) requires that only one member of the panel of physicians be

from the field of obstetrics; and (ii) requires the Program to pay \$3,000 per claim reviewed to the medical school that performs an assessment; and (iii) clarifies the method for calculating payments for loss of earnings. SB 211 is identical.

*Patron - Morgan*

**HB1512 Health care sharing ministries.** Declares that insurance laws do not apply to a health care sharing ministry. A health care sharing ministry that, through its publication to members, solicits funds for the payment of medical expenses of other members, will not be considered to be engaging in the business of insurance and will not be subject to the jurisdiction of the State Corporation Commission. A health care sharing ministry is a health care cost sharing arrangement among individuals of the same religion, administered by a non-profit, tax-exempt organization that, among other things, acts as an organizational clearinghouse for information about members who have financial or medical needs and matches them with members with the ability to assist those with such needs, and provides for the financial or medical needs of members through payments directly from one member to another.

*Patron - Byron*

**SB182 Insurance company investments; preferred stocks.** Revises the rating criteria stated for preferred stock in which a domestic insurer may invest. References to specific rating categories of the National Association of Insurance Commissioners' Securities Valuation Office are deleted, and in their place are added the categories of "highest quality," "high quality," and "medium quality."

*Patron - Miller, Y.B.*

**SB207 Foreign and alien insurers; exemption for insuring industrial insureds.** Revises the criteria for qualifying as an industrial insured. Certain acts involving insurance contracts issued to an industrial insured are excluded from the acts that constitute transacting the business of insurance in the Commonwealth. The revisions to the criteria (i) allow the insured to procure insurance by using a licensed insurance consultant, (ii) increase the required amount of annual insurance premiums from \$25,000 to \$100,000, and (iii) require the insured to have either gross assets in excess of \$3 million or annual gross revenues in excess of \$5 million. Other revisions specify that the insured risks do not include life or annuity contracts and that the aggregate annual premiums do not include premiums from life, annuity, and accident and sickness insurance.

*Patron - Stosch*

**SB211 Virginia Birth-Related Neurological Injury Compensation Program.** Increases the annual assessment for physicians who participate in the Virginia Birth-Related Neurological Injury Compensation Program from its current level of \$5,300 to \$5,600, which amount will increase thereafter to a maximum of \$6,200. The annual participating hospital assessment will increase from \$50 per live birth to \$52.50 per live birth in 2008, which amount will increase each year thereafter by \$2.50 per live birth to a maximum of \$55 per live birth. The size of the board of directors of the Program is increased from seven to nine. Provision is made for covered expenses to cover therapeutic, nursing and attendant care, medications and supplies, and for attendant nursing care that is provided by the claimant's relatives when beyond what is normally provided family members of uninjured children. The measure also (i) requires that only one member of the panel of physicians be from the field of obstetrics; (ii) requires the Program to pay \$3,000 per claim reviewed to the medical school that performs an assessment; and (iii) clarifies the method for calculating

payments for loss of earnings. HB 1305 is identical. SB 568 is incorporated into this bill.

*Patron - Edwards*

**SB212 Virginia Birth-Related Neurological Injury Compensation Act; evidence.** Allows all parties to a claim under the Virginia Birth-Related Neurological Injury Compensation Act to confront and cross-examine witnesses, and provides that a party shall not be precluded from conducting depositions of any witness from whom evidence is elicited. The measure also creates a mechanism for voiding an adverse determination in a claim made pursuant to Chapter 919 of the 2006 Acts of Assembly where a party was denied the opportunity to confront and cross-examine witnesses against him. In order to have the adverse determination voided, the party is required to file a petition on or before July 1, 2009. Any new review would be de novo. HB 222 is identical.

*Patron - Edwards*

**SB403 Ethics and fairness in carrier business practices; payment of claims for pharmacy benefits.** Requires contracts between a health insurance carrier and its administrator of pharmacy benefits to make payments of clean claims electronically to the participating provider or its designee if the contract with the provider requires claims to be submitted electronically. The measure applies to contracts entered into, amended, extended or renewed on or after January 1, 2009.

*Patron - Puckett*

**SB612 Nonrenewal of liability, fire, and motor vehicle insurance policies.** Establishes exceptions to prohibitions on the refusal to renew certain liability, fire, and motor vehicle insurance policies. Such renewal provisions will not apply to an insurer if an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. HB 914 is identical.

*Patron - Stolle*

**SB697 Motor vehicle insurance; payments for paint and materials.** Provides that setting arbitrary and unreasonable limits on what an insurer will allow as reimbursement for paint and materials is an unfair settlement practice. Identical to HB 1176.

*Patron - Petersen*

**SB785 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. The similar requirement in the state employee's health insurance program is also deleted.

*Patron - Blevins*

## Failed

**HB83 Mandated coverage for habilitative services for children.** Requires insurance companies to provide coverage for habilitative services for children.

*Patron - Marshall, R.G.*

**HB222 Virginia Birth-Related Neurological Injury Compensation Act; evidence.** Allows all parties to a claim under the Virginia Birth-Related Neurological Injury Compensation Act to confront and cross-examine witnesses, and provides that a party shall not be precluded from conducting depositions of any witness from whom evidence is elicited.

The measure also creates a mechanism for voiding an adverse determination in a claim made pursuant to Chapter 919 of the 2006 Acts of Assembly where a party was denied the opportunity to confront and cross-examine witnesses against him. In order to have the adverse determination voided, the party is required to file a petition on or before July 1, 2009. Any new review would be de novo. SB 212 is identical.

*Patron - Kilgore*

**HB237 Health insurance; mandated coverage for hearing aids for minors.** Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children from birth to age 18 when a licensed audiologist prescribes such hearing aids and related services. The coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,500, every 24 months.

*Patron - Cosgrove*

**HB250 Managed Care Health Insurance Plans.** Allows a new health maintenance organization to obtain its HMO license contingent upon the Department of Health's issuance of a certificate of quality assurance. Other revisions streamline and update procedures for obtaining MCHIP licenses.

*Patron - O'Bannon*

**HB252 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*

**HB318 Hospitalization insurance; balance billing by nonparticipating physicians.** Prohibits a physician who does not participate in a health insurance carrier's provider panel from balance billing an enrollee for the difference between his charges and the amount paid by the carrier for covered services performed at a participating hospital, unless the hospitalized enrollee has consented in writing, prior to receiving the services, to the use of the nonparticipating physician.

*Patron - Cox*

**HB615 Health insurance; required coverage for medically necessary amino acid-based elemental formulas.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the provision of medically necessary amino acid-based elemental formulas, regardless of delivery method, for the treatment of Immunoglobulin E and non-Immunoglobulin E mediated allergies to multiple food proteins, food protein-induced enterocolitis syndrome, eosinophilic disorders, and impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract. Coverage is also required for the diagnosis of such conditions.

*Patron - Amundson*

**HB667 Health insurance; coverage for alternatives to surgery.** Requires health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations whose policies, contracts or plans cover surgical treatment of a medical condition or disease to also cover a nonsurgical treatment for the condition or disease if it is (i) less expensive, (ii) less dangerous, (iii) not experimental

or investigational, (iv) generally recognized by the regional medical community as an appropriate treatment for the condition or disease, and (v) not less efficacious than the surgical treatment.

*Patron - Marshall, R.G.*

**HB668 Individual health insurance; statements regarding grounds for refusal to cover.** Requires health insurers, health care subscription plans, and health maintenance organizations to file with the State Corporation Commission statements that identify, with respect to each policy, contract, or plan that offers individual health insurance coverage to residents of the Commonwealth, (i) medical conditions that are used as the basis for decisions to refuse to issue or offer a policy, contract, or plan providing coverage for an applicant and (ii) the sources of the information regarding an applicant's condition and medical history that the insurer, corporation, or health maintenance organization relies upon in determining whether an applicant has or has had such a medical condition.

*Patron - Marshall, R.G.*

**HB669 Accident and sickness insurance; coverage for amino-acid-based formulas.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the expense of amino-acid-based formulas whose protein source has been extensively or completely hydrolyzed. This benefit is to be available if the formula is required to treat either a diagnosed inborn error of amino acid or organic acid metabolism or a diagnosed disease or disorder of the gastrointestinal tract that leads to malnutrition or malabsorption due to inflammation, protein sensitivity, or inborn errors of digestion, and is the primary source of nutrition as certified by the treating physician by diagnosis.

*Patron - Marshall, R.G.*

**HB865 Group life insurance coverage.** Allows coverage under a group life insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyowner.

*Patron - Ebbin*

**HB919 Underinsured motorist insurance coverage.** Establishes a mechanism by which a liability insurer insuring the owner, operator, or maintainer of an underinsured motor vehicle may, following approval of the court, pay all of its applicable limits of liability. Upon paying its limits under the policy, the insurer will be released from further liability and its obligation to participate in the defense of the proceeding. The measure applies to policies issued or renewed on or after July 1, 2008.

*Patron - Joannou*

**HB1306 Virginia Birth-Related Neurological Injury Compensation Program.** Increases the annual assessment for physicians who participate in the Virginia Birth-Related Neurological Injury Compensation Program from its current level of \$5,300 to \$5,600, which amount will increase thereafter to a maximum of \$6,200. The annual participating hospital assessment will increase from \$50 per live birth to \$52.50 per live birth in 2008, which amount will increase each year thereafter by \$2.50 per live birth to a maximum of \$55 per live birth. The assessment on nonparticipating physicians will apply to all physicians licensed in the Commonwealth other than participating physicians; currently, only such physicians practicing in Virginia are required to pay an assessment. The composition of the board of directors of the Program is revised to allow a parent or guardian of a child in the Program to be a member, and a certified public accountant replaces one of the members with investment experience. Other provisions (i) establish limits on reimbursement for nursing care and certain other medical ser-

vices, (ii) revise the provisions regarding review of cases by panels of physicians, (iii) address the timing of filing the Program's response to the panel's report, and (iv) allow the State Corporation Commission to use the loss reserve methodology employed in Florida when conducting its actuarial evaluation of the Program.

*Patron - Morgan*

**HB1340 Fire Programs Fund.** Increases the rate of the assessment for the Fire Programs Fund from one to 1.5 percent of the total direct gross premium income for fire and related lines of insurance. This bill is incorporated into HB 1225.

*Patron - Barlow*

**HB1462 Motor vehicle insurance; accident prevention courses.** Repeals the requirement that motor vehicle accident reduction classes provide actual classroom instruction. Insurers are required to provide premium reductions to persons age 55 and over who complete a Department of Motor Vehicles-approved course.

*Patron - Ware, R.L.*

**SB13 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. This bill is incorporated into SB 645.

*Patron - Edwards*

**SB416 Insurance agent license examinations; demographic data.** Requires insurance licensing examination applications to ask applicants to disclose information regarding age, gender, race or ethnicity, native language, and education level. The State Corporation Commission or its designee shall annually prepare a report to be available to the public that sorts the demographic data provided with information regarding examination results.

*Patron - Puckett*

**SB568 Virginia Birth-Related Neurological Injury Compensation Program.** Increases the annual assessment for physicians who participate in the Virginia Birth-Related Neurological Injury Compensation Program from its current level of \$5,300 to \$5,600, which amount will increase thereafter to a maximum of \$6,200. The annual participating hospital assessment will increase from \$50 per live birth to \$52.50 per live birth in 2008, which amount will increase each year thereafter by \$2.50 per live birth to a maximum of \$55 per live birth. The assessment on nonparticipating physicians will apply to all physicians licensed in the Commonwealth other than participating physicians; currently, only such physicians practicing in Virginia are required to pay an assessment. The composition of the board of directors of the Program is revised to allow a parent or guardian of a child in the Program to be a member, and a certified public accountant replaces one of the members with investment experience. Other provisions (i) establish limits on reimbursement for nursing care and certain other medical services, (ii) revise the provisions regarding review of cases by panels of physicians, (iii) address the timing of filing the Program's response to the panel's report, and (iv) allow the State Corporation Commission to use the loss reserve methodology employed in Florida when conducting its actuarial evaluation of the Program. This bill is incorporated into SB 211.

*Patron - Saslaw*

**SB631 Accident and sickness insurance; coverage for the treatment of infertility.** Requires health insurers, health maintenance organizations, and corporations providing accident and sickness subscription contracts to provide coverage for the treatment of infertility.

*Patron - Ticer*

**SB688 Motor vehicle insurance; accident prevention courses.** Repeals the requirement that motor vehicle accident reduction classes provide actual classroom instruction. Insurers are required to provide premium reductions to persons age 55 and over who complete a Department of Motor Vehicles-approved course.

*Patron - Edwards*

## Carried Over

**HB253 Bureau of Health Insurance and Commissioner of Health Insurance.** Establishes a division within the State Corporation Commission, named the Bureau of Health Insurance, to administer the Commonwealth's health insurance laws. The new division is headed by a Commissioner of Health Insurance. The SCC's Bureau of Insurance, which currently administers the health insurance laws, will continue to be responsible for administering other insurance laws.

*Patron - O'Bannon*

**HB364 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 two 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*

**HB636 Electronic delivery of insurance notices.** Authorizes property, casualty, life, and certain other types of insurers to electronically transmit notices to insureds if the insured consents.

*Patron - May*

**HB648 Health reimbursement arrangements.** Prohibits health insurers from canceling or refusing to issue an individual health insurance policy on grounds that the policyowner's employer funds the premium for the policy, if the funding is made through an employer-funded health reimbursement arrangement.

*Patron - Hogan*

**HB1225 Fire Programs Fund.** Increases the rate of the assessment for the Fire Programs Fund from one to 1.5 percent of the total direct gross premium income for fire and related lines of insurance. HB 1340 is incorporated into this bill.

*Patron - Bowling*

**HB1419 Coordination of health insurance benefits.** Prohibits an insurer issuing individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, a corporation providing individual or group accident and sickness subscription contracts, or a health maintenance organization providing a health care plan for health care services

from delaying or refusing to make payment to a provider for covered expenses as a consequence of a failure or delay of the insured, subscriber, or member in responding to any coordination of benefits questionnaire or similar periodic inquiry from the insurer, corporation, or health maintenance organization regarding whether the insured, subscriber, or member or other family members enrolled with the insured, subscriber, or member are covered under another health insurance plan that may have primary responsibility for covered expenses. A similar prohibition is established with respect to the health insurance plan for state employees.

*Patron - Nutter*

**CSB264 Fire insurance; family day homes.** Prohibits an insurer or agent from refusing to issue or renew a policy written to insure an owner-occupied dwelling solely because the insured operates a licensed or registered family day home. The policy shall not provide liability coverage for losses arising out of, or in connection with, the operation of the family day home, which coverage shall only be provided by a separate endorsement or insurance policy.

*Patron - Deeds*

**CSB318 Virginia Wind Underwriting Association.** Establishes the Virginia Wind Underwriting Association consisting of all insurers licensed to write property insurance in the Commonwealth. The Association is created to provide insurance against loss to property in Accomack and Northampton Counties and the Cities of Chesapeake, Hampton, Norfolk, and Virginia Beach from the risk of windstorm, in accordance with a plan of operation to be approved by the Commission.

*Patron - Wagner*

**CSB412 Fire Programs Fund.** Increases the rate of the assessment for the Fire Programs Fund from one to 1.5 percent of the total direct gross premium income for fire and related lines of insurance.

*Patron - Puckett*

**CSB645 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. SB 13 is incorporated into this bill.

*Patron - Ticer*

**CSB692 Insurance agents; limited burial insurance authorities.** Expands the definition of a limited burial insurance authority to include the authority of a person who is licensed to engage in the practice of funeral service, preneed funeral planning, funeral directing, embalming, or operating a funeral service establishment to solicit applications for life insurance in amounts of \$10,000 or less in connection with the funding of a preneed funeral contract.

*Patron - Edwards*

## Labor and Employment

### Passed

**PHB1160 Employment of children; school bus drivers.** Clarifies that persons under age 18 are not permitted to drive school buses.

*Patron - Saxman*

### Failed

**FHB152 Governmental employees; meet and confer.** Permits employees of the Commonwealth, its political subdivisions, or any governmental agency of any of them, to form associations for the purpose of discussing their interests with their employing agencies whenever such agencies agree to engage in such discussions. Current law permits these governmental employees to form such associations for the purpose of promoting their interests before their employing agencies.

*Patron - Poisson*

**FHB284 Notice to employees; earned income tax credit.** Requires employers to provide oral notice to employees that they may be eligible for the earned income tax credit and to post any notice that may be provided by the Department of Social Services informing all employees that they may be eligible for the earned income tax credit. The measure also establishes a fine for noncompliance, which shall be no less than \$100 nor more than \$250.

*Patron - Toscano*

**FHB297 Government employees associations; use of membership fees.** Prohibits an association of governmental employees from using an individual's membership fees to make contributions or expenditures in an attempt to influence an election or to operate a political committee, unless the individual has affirmatively authorized such use of his membership fees.

*Patron - Hargrove*

**FHB792 Parental leave for school involvement.** Requires employers to permit employees who are parents or guardians of, or who stand in loco parentis to, a school-aged child to take up to four hours of leave annually in order to attend parent-teacher conferences or to volunteer at the child's school. The employer and employee must mutually agree to the time for the leave, the leave need not be compensated, and the employer may require both 48 hours' advance notice of the leave and written verification from the school of the employee's involvement in the school.

*Patron - Englin*

**FHB852 Collective bargaining for governmental employees.** Repeals provisions that prohibit state and local officers, agents, and governing bodies from collectively bargaining with a labor union or other employee association as a bargaining agent of public officers or employees.

*Patron - Ebbin*

**FHB1038 Enforcement of minimum wage law.** Establishes a special nonreverting fund into which civil penalties collected by the Commissioner of Labor and Industry shall be deposited. The measure also makes the knowing and intentional failure to pay minimum wage as required by state law a Class 1 misdemeanor if the wages not paid are less than

\$10,000, and a Class 6 felony if the wages not paid are \$10,000 or more.

*Patron - Jones, D.C.*

**HB1047 Document verification for employment of illegal immigrants; penalty.** Provides that each day of continued unlawful employment of an alien worker, each alien who cannot provide documents indicating that he is legally eligible for employment in the United States, or of false representation that an alien worker has documentation indicating that he is legally eligible for employment in the United States constitutes a separate civil offense punishable by a \$100 civil penalty. The measure also (i) makes it a Class 1 misdemeanor to falsely represent that an alien worker has documentation indicating that he is legally eligible for employment and (ii) 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.

*Patron - Watts*

**HB1249 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, 2008. 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 fees and costs.

*Patron - Hugo*

**SB14 Notice to employees; earned income tax credit.** Requires employers to post any notice that may be provided by the Department of Social Services informing all employees that they may be eligible for the earned income tax credit. Establishes a fine for noncompliance, which shall be no less than \$100 nor more than \$250.

*Patron - Edwards*

**SB90 Employment; verification of eligibility.** Requires employers to participate in an electronic employment verification system or any equivalent federal work authorization program. The measure prohibits an employer from allowing an individual to start work unless the employer has conducted the identity verification process through the electronic employment verification system and has obtained a response that affirmatively verifies that the individual is legally eligible for employment in the United States. Violations are a Class 1 misdemeanor.

*Patron - Colgan*

## Carried Over

**SB223 Payment of wages and salaries; wage payments.** Authorizes employers to pay wages and salaries by credit to a prepaid debit card or card account, without the employee's affirmative consent, if the employee fails to designate a financial institution to which payment could be made by electronic automated fund transfer. Currently, payment via prepaid debit card or card account requires the affirmative consent of the employee, though such consent is not required if the

employee has not designated a financial institution to which payment by electronic automated fund transfer could be made and the employee is employed at an amusement park.

*Patron - McDougle*

## Libraries

### Failed

**SB107 State Law Library; authorized users.** Authorizes members of the General Assembly to designate one person to perform legal research in the State Law Library.

*Patron - Cuccinelli*

## Mechanics' and Certain Other Liens

### Passed

**HB521 Mechanics' lien; active duty members of the military.** Requires, if it is shown that the owner of a vehicle is an active duty member of the military, the Department of Motor Vehicles to include that information when lienholders inquire into vehicle ownership for the purposes of satisfying a lien. Also, the bill requires persons having a lien to comply with the federal Servicemembers Civil Relief Act.

*Patron - Suit*

## Military and Emergency Laws

### Carried Over

**HB338 Emergency plans; fee for review.** Allows a locality to charge an administrative fee for the review of the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers located within the locality. Localities that have an emergency management agency are currently authorized to require such a review.

*Patron - McClellan*

## Mines and Mining

### Passed

**HB870 Division name change.** Changes the name of the Department of Mine, Minerals and Energy's Division of Mineral Resources to the Division of Geology and Mineral Resources.

*Patron - Johnson*

**HB1150 Oil or gas wells; cemeteries.** Requires the applicant for a permit for a gathering pipeline, oil or gas well, or coal bed methane well to identify in the permit application any cemetery, as identified on a U.S.G.S. topographic map or

located by routine field review, within 100 feet of the permitted activity.

*Patron - Phillips*

**PSB413 National pollutant discharge elimination system permits; mining operations.** Provides for permit fees to be submitted from applicants that discharge waters from mining operations. Applicants will pay \$300 per discharge outfall point. In addition, applicants will pay an annual fee of \$300 for each discharge outfall point.

*Patron - Puckett*

**PSB586 Gas and Oil Act; notification of interested parties.** Requires the Board to publish hearing agendas on permits for gas or oil operations in local newspapers at least 10 days prior to the hearing. Currently, the Board provides this public notice at least 20 days prior to the hearing. Interested parties are still notified by certified mail as a condition of the application process. However, interested parties that cannot be identified or located after reasonable effort may now be notified by publication in a newspaper widely circulated in the locality where the well is proposed to be located.

*Patron - Puckett*

**PSB689 Biofuels Production Incentive Grant Program; eligible fuels.** Expands the definition of biofuels to include neat biodiesel fuel, neat green diesel fuel, and neat ethanol fuel. Biodiesel fuel is redefined as a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM D6751. Green diesel fuel is now defined as a fuel produced from nonfossil renewable resources, including agricultural or silvicultural plants; animal fats; residue and waste generated from the production, processing, and marketing of agricultural products; silvicultural products; and other renewable resources, and meeting applicable ASTM specifications.

*Patron - Watkins*

## Motor Vehicles

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### Passed

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**PHB2 Special license plates for immediate family members of persons who have died in military service to their country; fees.** Eliminates the one-time \$10 surcharge imposed for issuance of these plates. This bill incorporates HB 23, HB 61, HB 308, and HB 468.

*Patron - Tata*

**PHB52 Antique motor vehicles; registration.** Eliminates the requirement that (i) owners of antique vehicles applying for registration of their vehicles with DMV certify that their vehicles meet the safety equipment requirements for the model year in which they were manufactured and (ii) these certifications be notarized.

*Patron - Lingamfelter*

**PHB87 Special license plates; expired authorizations.** Repeals authorizations for issuance of special license plates for which the required minimum number of prepaid orders was never received; the plates affected being those for persons awarded the Global War on Terrorism Service Medal; for Virginia scuba divers; promoting lung cancer research, awareness, and prevention; promoting Virginia wines; for supporters of the Robert Russa Moton Museum; for supporters of the Vir-

ginia Housing Partnership; for supporters of the On the Rebound Bulldog Rescue Foundation; for supporters of the Northern Virginia Swim League; and for registered nurses.

*Patron - Landes*

**PHB113 Disregarding signal to stop; death of law-enforcement officer; penalties.** Provides that if a law-enforcement officer pursues a person who has disregarded a law-enforcement officer's signal to stop his motor vehicle and drives in willful and wanton disregard of such signal so as to interfere with or endanger the operation of the law-enforcement vehicle or to endanger people and the law-enforcement officer is killed as a direct and proximate result of the pursuit, the person is guilty of a Class 4 felony. The bill also increases the penalty for disregarding a signal from a law-enforcement officer to stop or attempting to escape or elude a law-enforcement officer from a Class 3 misdemeanor to a Class 2 misdemeanor. This bill is identical to SB 368.

*Patron - Ware, R.L.*

**PHB131 Child restraints; penalties.** Provides escalating penalties for repeat violators of the child restraint law. First time offenders will still be subject to the current civil penalty of \$50, but those convicted of second or subsequent violations on different dates will be subject to a civil penalty of up to \$500.

*Patron - Lewis*

**PHB132 Parking in spaces reserved for persons with disabilities; local ordinances.** Provides that the governing body of any city, county, or town may, by ordinance, provide for a lesser fine if there is a placard within a vehicle utilizing a parking space reserved for persons with disabilities, but that placard is not appropriately displayed.

*Patron - Ware, O.*

**PHB144 Overweight coal trucks.** Provides that overweight coal truck permits are valid only for a distance of 85 miles within Virginia from the preparation plant, loading dock, or railroad.

*Patron - Kilgore*

**PHB254 Taxes and license fees imposed by counties, cities, and towns; local licenses.** Provides that local licenses may be issued free of charge to vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth.

*Patron - Fralin*

**PHB269 Special license plates; supporters of the Lake Taylor Transitional Care Hospital Foundation.** Authorizes the issuance of revenue-sharing special license plates to supporters of Lake Taylor Transitional Care Hospital Foundation. 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 Lake Taylor Transitional Care Hospital Foundation to support its operation and programs in Virginia.

*Patron - Miller, P.J.*

**PHB326 Speed limits; rural rustic roads.** Provides for a maximum speed limit of 35 mph on any highway designated a rural rustic road.

*Patron - Saxman*

**PHB337 Distribution of handbills, etc., in highway rights-of-way.** Allows Arlington and Henrico Counties and the Town of Vienna to regulate distribution of handbills, etc., in all highway rights-of-way within their boundaries. Present law

restricts this power to secondary and urban highway system components. This bill is the same as SB 160.

*Patron - McClellan*

**HB372 Motor vehicle dealer advertising.** Allows a dealer to advertise a single vehicle, whether it is new or used, by stock number or vehicle identification number in order to disclose a limitation of availability.

*Patron - Carrico*

**HB469 DMV fees.** Allows DMV to waive the fee that would have otherwise been imposed by the Department for issuance of a duplicate driver's license if the person subject to the fee is on active duty with the armed forces of the United States outside the boundaries of the United States.

*Patron - Watts*

**HB470 Loitering in the rights-of-way of certain highways.** Prohibits loitering in the right-of-way of any highway where it has been determined that loitering presents a public safety hazard and the VDOT Commissioner or the local governing body has posted signs prohibiting such activity.

*Patron - Watts*

**HB492 Used motor vehicles.** Prohibits displaying, parking, selling, or advertising for sale certain used motor vehicles.

*Patron - Amundson*

**HB523 Vehicle safety inspection; members of the armed services.** Provides that any vehicle safety inspection approval sticker issued for any vehicle that is principally garaged outside the Commonwealth while its registered owner is a person in the armed services of the United States will be deemed not to have expired during the period of the owner's official absence from the Commonwealth in the armed services of the United States, regardless of whether such vehicle is operated in or through the Commonwealth during the owner's official absence from the Commonwealth in the armed services of the United States. The bill also extends time required to obtain a current vehicle inspection sticker for vehicles principally garaged outside the Commonwealth that return to or become operational in the Commonwealth from 24 to 72 hours for those vehicles whose registered owners are in the armed services and stationed outside Virginia.

*Patron - Suit*

**HB525 Additional vehicle registration fees in certain localities.** Exempts from the additional registration fees vehicles being registered in a jurisdiction subject to either the Northern Virginia Transportation or the Hampton Roads Transportation Authority by a member of the armed forces of the United States if the vehicle had previously been registered in a foreign country while the member of the armed forces of the United States was deployed overseas.

*Patron - Suit*

**HB534 Driver's license renewal; sex offenders.** Provides that the Department of State Police transmit information about registered sex offenders to the Department of Motor Vehicles; and requires registered sex offenders to appear in person at the Department of Motor Vehicles for each driver's license renewal. The driver's license of registered sex offenders will be valid for a period not to exceed five years. This bill has a delayed effective date of January 1, 2009.

*Patron - Mathieson*

**HB631 Special license plates; sesquicentennial of the American Civil War.** Authorizes the issuance of special license plates marking the sesquicentennial of the American

Civil War. In addition to the prescribed cost of state license plates, these plates will be subject to a one-time surcharge of \$15; \$5 of this \$15 will be paid to the Virginia Sesquicentennial of the American Civil War Commission to support its operation and programs in Virginia. Minimum order requirements, etc., established by § 46.2-725 will not apply to these plates. The authorization expires on July 1, 2015, the same date on which the Commission's mandate expires. This bill is identical to SB 73.

*Patron - May*

**HB649 Collection of annual license and registration fees in certain localities; civil remedial fees on certain drivers.** Prohibits licensed motor vehicle dealers from collecting any additional license and registration fees imposed by the Hampton Roads Transportation Authority and/or the Northern Virginia Transportation Authority. This bill is the same as SB 728.

*Patron - Hogan*

**HB660 Manufactured homes.** Provides that a manufactured home is to be deemed real estate when equipment previously used for mobility has been removed and the unit is attached to the realty.

*Patron - Lewis*

**HB756 Registration fees; vehicle equipped for persons with disabilities.** Provides that the registration fee to be charged for the registration of a vehicle specially equipped to accommodate persons with disabilities shall be the weight of the vehicle minus the weight of the special equipment.

*Patron - Poindexter*

**HB833 Company vehicles of automotive manufacturers.** Provides for specialized registration and titling of company vehicles of automotive manufacturers having a headquarters in the commonwealth. Company vehicles are defined as vehicles used for sales or service training, headquarters-related purposes, or corporate policies that allow headquarters employees or their family members to use such vehicles. These vehicles would also be exempt from the motor vehicle sales and use tax.

*Patron - Rust*

**HB875 Soliciting of contributions, distribution of materials, etc., in highway right-of-way.** Grants the City of Richmond the same powers granted to Albemarle, Arlington, Greene, and Henrico Counties and the Town of Vienna to regulate soliciting contributions, distribution of materials, etc., in highway rights-of-way. The bill also grants Spotsylvania County the same powers granted to Albemarle and Greene Counties to regulate these same activities.

*Patron - Loupassi*

**HB885 Bus idling; local ordinances.** Allows all counties, cities, and towns to adopt ordinances limiting bus engine idling.

*Patron - Toscano*

**HB889 Required driving hours for holders of learner's permits.** Increases the minimum driving hours from 40 to 45 hours, at least 15 of which must be after sunset. The bill additionally requires, on a form supplied by DMV, certification of the hours driven.

*Patron - Lohr*

**HB890 Flashing warning lights on emergency vehicles.** Allows warning lights on emergency vehicles to be of

types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

*Patron - Lohr*

**HB922 Vehicle registration fee increase for firefighting and emergency medical services.** Increases the "\$4-for-life" fee to \$4.25, with the revenues generated by the additional \$0.25 to be used for costs associated with the certification and recertification training of emergency medical services personnel.

*Patron - Rust*

**HB1012 Towing.** Allows tow trucks to use crossovers on controlled-access highways when providing a public safety towing and recovery service under the direction of a law-enforcement agency. Additionally, the bill repeals the provision that allows insurance company agents and persons subject to a vehicle security interest to have vehicles that have been towed as the result of a police-towing request to be towed to another location ("secondary tow"). The bill also allows the Board for Towing and Recovery Operators to promulgate regulations specifying additional training or conditions for individuals seeking tow truck authorization documents. The bill, further, exempts from the requirement that tow truck operators have tow truck authorization documents issued by the Board for Towing and Recovery Operators tow trucks that are (i) towing vehicles from origins in another state and are passing through the Commonwealth to destinations outside the Commonwealth, or (ii) towing vehicles from origins in another state to destinations in the Commonwealth, or (iii) not engaged to towed vehicles by physical, mechanical means that cause the towed vehicle to be moved or lifted off the ground. Finally, the bill provides that a person cannot not be refused a license or a tow truck driver authorization document by the Board for Towing and Recovery Operators solely because of a prior criminal conviction, unless the criminal conviction directly relates to the towing and recovery of vehicles and safety of the users of the services offered by such licensee or holder of a tow truck authorization document. This bill incorporates HB 581 and is identical to SB 691.

*Patron - Hugo*

**HB1015 Motor vehicle air conditioners.** Allows explosive, flammable, or toxic refrigerants in motor vehicle air conditioners if the refrigerant is included in the list published by the United States Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12.

*Patron - Hugo*

**HB1024 Military personnel; extension of deadlines.** Extends driver's license renewal, license plate registration, local vehicle registration, individual property tax, and other state and local tax deadlines until 90 days after return from deployment for military personnel.

*Patron - Frederick*

**HB1152 Vehicle window tinting films.** Exempts the rear windows or rear side windows of ambulances, rescue squad vehicles, and other emergency medical vehicles used to transport patients from limitations on window tinting.

*Patron - Phillips*

**HB1198 Commercial driver's licenses.** Brings Virginia law on commercial driver's licenses into conformance with federal requirements.

*Patron - Valentine*

**HB1218 Wireless telecommunications devices.** Prohibits use of wireless telecommunications devices by persons

operating school buses, except in emergencies, or when the vehicle is lawfully parked and for the purposes of dispatching. Use of two-way radio devices authorized by the school bus owner, however, is permitted. This bill is identical to SB 136.

*Patron - Bowling*

**HB1243 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. The bill provides for the Comptroller to issue a refund to persons who have already paid all or part of the civil remedial fees ordered to be paid by a court. It directs the court clerk of the court that ordered the fees and the Department of Motor Vehicles to credit the accounts of persons who still owe civil remedial fees so as to indicate that the fees have been paid and are no longer outstanding. The Department of Motor Vehicles is also directed to reinstate the driver's license to any person whose license was suspended solely for failure to pay civil remedial fees. The bill contains an emergency clause.

*Patron - Hugo*

**HB1245 Driver's licenses.** Provides that any person who fails the behind-the-wheel or knowledge examinations for a driver's license administered by DMV three times shall not be permitted to take such examination a fourth time until he successfully completes the in-vehicle or knowledge component of driver instruction at a driver training school.

*Patron - Hugo*

**HB1345 Parking violations; civil penalties.** Grants James City County the same ability presently given to Chesterfield County to impose civil penalties for parking violations.

*Patron - Barlow*

**HB1407 Suspended license; unpaid fines.** Authorizes the issuance for good cause shown and upon verification of employment of a six-month restricted permit to operate a motor vehicle during a period of suspension for unpaid fines and costs. This bill incorporates HB 1374.

*Patron - Dance*

**HB1429 Golf carts on public highways.** Allows the operation of golf carts on public highways within the boundaries of the Town of Claremont.

*Patron - Barlow*

**HB1478 Pedestrian control signals.** Requires pedestrians to obey signals exhibiting the words, numbers, or symbols meaning "Walk" or "Don't Walk."

*Patron - Toscano*

**HB1551 Vehicle overweight and overload permits; fee structure.** Requires the Department of Transportation, in consultation with the Department of Motor Vehicles, to review the current fee structure applied to overload and overweight vehicles. From July 1, 2008, to June 30, 2009, the annual overweight permit fee will be \$265.

*Patron - Bowling*

**HB1557 Mopeds.** Provides that a person who operates a moped in excess of 35 miles per hour will be deemed to be operating a motorcycle.

*Patron - Cline*

**SB1 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. The bill provides for the Comptroller to issue a refund to persons who have already paid all or part of the civil remedial fees ordered to be paid by a court. It directs the court clerk of the court that ordered the fees and the

Department of Motor Vehicles to credit the accounts of persons who still owe civil remedial fees so as to indicate that the fees have been paid and are no longer outstanding. The Department of Motor Vehicles is also directed to reinstate the driver's license to any person whose license was suspended solely for failure to pay civil remedial fees. This bill incorporates SB 4, SB 6, SB 42, SB 57, SB 85, SB 287, SB 411, SB 430, SB 443, SB 444, SB 469, and SB 664.

*Patron - Houck*

**SB55 Overweight permits for tank wagons.** Increases total gross weight from 36,000 to 40,000 pounds for overweight permits for tank wagons.

*Patron - Houck*

**SB73 Special license plates; sesquicentennial of the American Civil War.** Authorizes the issuance of special license plates marking the sesquicentennial of the American Civil War. In addition to the prescribed cost of state license plates, these plates will be subject to a one-time surcharge of \$15; \$5 of this \$15 will be paid to the Virginia Sesquicentennial of the American Civil War Commission to support its operation and programs in Virginia. Minimum order requirements, etc., established by § 46.2-725 will not apply to these plates. The authorization expires on July 1, 2015, the same date on which the Commission's mandate expires. This bill is identical to HB 631.

*Patron - Howell*

**SB113 Driving without a license; penalty.** Provides that a court may suspend the driving privileges of a person convicted of driving without a license for a period not to exceed 90 days.

*Patron - McDougle*

**SB116 DMV service charges.** Imposes, in addition to any other fee imposed and collected by DMV, a service charge of \$5 for any registration renewal carried out in any of its customer service centers, if the transaction is one that can be conducted by mail, telephone, or electronic means. The bill offers a \$1 per year discount for each year of a multiyear registration. Finally, the bill allows a driver's license to be issued for up to eight years. This bill incorporates SB 512.

*Patron - McDougle*

**SB136 Wireless telecommunications devices.** Prohibits use of wireless telecommunications devices by persons operating school buses, except in emergencies, or when the vehicle is lawfully parked and for the purposes of dispatching. Use of two-way radio devices authorized by the school bus owner, however, is permitted. This bill is the same as HB 1218.

*Patron - Stuart*

**SB160 Distribution of handbills, etc., in highway rights-of-way.** Allows Arlington and Henrico Counties and the Town of Vienna to regulate distribution of handbills, etc., in all highway rights-of-way within their boundaries. Present law restricts this power to secondary and urban highway system components. This bill is identical to HB 337.

*Patron - McEachin*

**SB165 Golf carts.** Allows golf carts and utility vehicles to cross highways in the Town of Colonial Beach at intersections controlled by traffic lights if the posted speed limit on the highway is no more than 35 miles per hour.

*Patron - Stuart*

**SB191 Local vehicle licenses.** Allows localities to exempt from local vehicle license fees vehicles owned by

members and former members of authorized police volunteer citizen support units.

*Patron - Herring*

**SB266 Special license plates; Purple Heart recipients.** Eliminates the one-time \$10 surcharge for issuance of Purple Heart special license plates.

*Patron - Deeds*

**SB284 Department of Motor Vehicles special agents; criminal enforcement authority.** Provides full-time sworn members of the enforcement division of the Department of Motor Vehicles full authority to enforce the laws of the Commonwealth. The bill also adds such persons to the definition of law-enforcement officer in the assault and battery criminal provision, which means that the punishment for committing an assault and battery on such a person who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony with a six-month mandatory minimum term of confinement.

*Patron - Wampler*

**SB291 Company vehicles of automotive manufacturers.** Provides for specialized registration and titling of company vehicles of automotive manufacturers. These vehicles would also be subject to the merchants' capital tax.

*Patron - Herring*

**SB368 Disregarding signal to stop; death of law-enforcement officer; penalties.** Provides that if a law-enforcement officer pursues a person who has disregarded a law-enforcement officer's signal to stop his motor vehicle and drives in willful and wanton disregard of such signal so as to interfere with or endanger the operation of the law-enforcement vehicle or to endanger people and the law-enforcement officer is killed as a direct and proximate result of the pursuit, the person is guilty of a Class 4 felony. The bill also increases the penalty for disregarding a signal from a law-enforcement officer to stop or attempting to escape or elude a law-enforcement officer from a Class 3 misdemeanor to a Class 2 misdemeanor. This bill is identical to HB 113.

*Patron - Watkins*

**SB422 Special license plates; supporters of the Appalachian Trail.** Authorizes the issuance of revenue-sharing special license plates to supporters of the Appalachian Trail. 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 Appalachian Trail Conservancy to support its operation and programs in Virginia.

*Patron - Puckett*

**SB600 Special license plates.** Authorizes the issuance of revenue-sharing special license plates for supporters of the Colonial Williamsburg Foundation.

*Patron - Norment*

**SB607 Definitions; towing and recovery operator.** Excludes a franchised motor vehicle dealer using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest from the definition of "towing and recovery operator."

*Patron - Stolle*

**SB691 Towing.** Allows tow trucks to use crossovers on controlled-access highways when providing a public safety

towing and recovery service under the direction of a law-enforcement agency. Additionally, the bill repeals the provision that allows insurance company agents and persons subject to a vehicle security interest to have vehicles that have been towed as the result of a police-towing request to be towed to another location ("secondary tow"). The bill also allows the Board for Towing and Recovery Operators to promulgate regulations specifying additional training or conditions for individuals seeking tow truck authorization documents. The bill, further, exempts from the requirement that tow truck operators have tow truck authorization documents issued by the Board for Towing and Recovery Operators tow trucks that are (i) towing vehicles from origins in another state and are passing through the Commonwealth to destinations outside the Commonwealth, or (ii) towing vehicles from origins in another state to destinations in the Commonwealth, or (iii) not engaged to towed vehicles by physical, mechanical means that cause the towed vehicle to be moved or lifted off the ground. Finally, the bill provides that a person cannot not be refused a license or a tow truck driver authorization document by the Board for Towing and Recovery Operators solely because of a prior criminal conviction, unless the criminal conviction directly relates to the towing and recovery of vehicles and safety of the users of the services offered by such licensee or holder of a tow truck authorization document. This bill is identical to HB 1012.

*Patron - Watkins*

**PSB707 Board of Towing and Recovery Operators.**

Provides that in even-numbered years, the chairman of the Board of Towing and Recovery Operators will be a licensed Class A operator and the vice-chairman a licensed Class B operator, and in odd-numbered years, the chairman will be a licensed Class B operator and the vice-chairman a licensed Class A operator. The bill also extends the effective date for Board regulations pertaining to public safety towing and recovery services to July 1, 2010, and extends the effective date of other Board regulations to January 1, 2009. Any violation of § 46.2-2812 on or after January 1, 2009, will constitute a Class 1 misdemeanor. Prior to drafting any public safety towing regulations, the Board will hold four public meetings to receive comments and recommendations regarding the appropriate equipment, standards, training, safety, and other factors related to providing public safety towing and recovery services.

*Patron - Norment*

**PSB750 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 - Stosch*

**PSB799 Move-over law.** Provides that a motor vehicle approaching a stationary emergency vehicle displaying emergency lights must move to a lane not adjacent to the emergency vehicle regardless of whether the emergency vehicle is in a travel lane.

*Patron - Saslaw*

## Failed

**FHB1 Motor vehicles; definitions.** Redefines the term "disabled veteran" for the purposes of Title 46.2 (Motor Vehicles) to include a veteran who is at least 50% disabled as certified by the U.S. Veterans Administration. This definition governs which veterans are eligible for disabled veteran special license plates. This bill incorporates HB 17, HB 146, and HB 340.

*Patron - Peace*

**FHB15 Vehicle lights; vehicles owned by forensic crash reconstructionists.** Allows forensic crash reconstructionists operating under memoranda of understanding with the Virginia Department of Emergency Management as first responders K9 search and rescue assets to equip their vehicles with red or red and white warning lights and auxiliary lights.

*Patron - Ware, R.L.*

**FHB17 Motor vehicles; definitions.** Redefines the term "disabled veteran" for the purposes of Title 46.2 (Motor Vehicles) to include a veteran who is at least 50% disabled as certified by the U.S. Veterans Administration. This definition governs which veterans are eligible for disabled veteran special license plates. This bill was incorporated into HB 1.

*Patron - Ware, R.L.*

**FHB23 Special license plates for immediate family members of persons who have died in military service to their country; fees.** Eliminates the one-time \$10 surcharge imposed for issuance of these plates. This bill was incorporated into HB 2.

*Patron - Oder*

**FHB25 Safe driving points.** Allows drivers to accumulate up to 10 (rather than five) "good" points -- one a year for 10 years. The bill also allows five "good" points for satisfactory completion of a safe driving class up to twice in 10 years.

*Patron - Marshall, D.W.*

**FHB26 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Putney*

**FHB27 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*

**FHB28 Titling vehicles; statements in application.** Gives applicants for a certificate of title the option of providing their license number as assigned by the Department of Motor Vehicles in lieu of a Social Security number.

*Patron - Bulova*

**FHB39 Text messaging while driving.** Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of sending, receiving, or reading any text message.

*Patron - Scott, J.M.*

**FHB48 Motorcycles; driving two abreast in a single lane.** Allows two motorcycles to travel abreast in a single lane.

*Patron - Cole*

**FHB50 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Cole*

**FHB61 Special license plates for immediate family members of persons who have died in military service to their country; fees.** Eliminates the one-time \$10 surcharge

imposed for issuance of these plates. This bill was incorporated into HB 2 (Tata).

*Patron - Poisson*

**HB63 Forfeiture of motor vehicle for two or more offenses of driving without a valid operator's license.** Provides that any motor vehicle owned by the operator and used to commit a second offense of driving without a valid operator's license shall be forfeited. Also the bill provides that any vehicle knowingly used to commit a second such violation by a person who is not the owner thereof shall be subject to impoundment under § 46.2-301.1, and the person shall be fined an amount equivalent to the fair market value of the vehicle. This bill has been incorporated into HB 91.

*Patron - Marshall, R.G.*

**HB67 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Marshall, R.G.*

**HB91 Driving without a driver's license; penalties.** Provides that any person charged with driving without a valid driver's license may be placed under arrest and shall have his fingerprints and photograph taken, provided the court for the jurisdiction has granted prior approval for arrest of a person who violates § 46.2-300. This bill incorporates HB 63 and HB 104.

*Patron - Albo*

**HB104 Driving without a driver's license; penalties.** Provides that any person charged with driving without having first obtained a valid driver's license shall be placed under arrest and shall have his fingerprints and photograph taken. Additionally, the person's vehicle is to be impounded for 30 days. This bill has been incorporated into HB 91.

*Patron - Rust*

**HB108 Reckless driving by speed.** Reduces from 20 mph to 10 mph the speed by which drivers of heavy trucks must exceed the posted speed limit to be guilty of reckless driving.

*Patron - Cole*

**HB110 Truck weights; combinations of vehicles.** Treats straight trucks the same as pickup trucks when determining the maximum allowable weight of vehicle combinations. This change does not involve tractor-semitrailer or tractor-semitrailer-trailer combinations.

*Patron - Scott, E.T.*

**HB133 Taxes and license fees imposed by counties, cities, and towns; vehicle registration.** Allows the Commissioner to consider any parking citation, not just those issued only to residents of such county, city, or town, when refusing to issue or renew any vehicle registration to any applicant who owes fees or taxes to such county, city, or town. This bill incorporates HB 786.

*Patron - Ware, O.*

**HB146 Motor vehicles; definitions.** Redefines the term "disabled veteran" for the purposes of Title 46.2 (Motor Vehicles) to include a veteran who is at least 50% disabled as certified by the U.S. Veterans Administration. This definition governs which veterans are eligible for disabled veteran special license plates. The bill also provides the special license plates for persons awarded the Purple Heart. This bill was incorporated into HB 1.

*Patron - Kilgore*

**HB148 Vehicle weight law enforcement.** Authorizes enforcement of vehicle weight limit laws by full-time sworn members of the enforcement division of DMV appointed by the Commissioner as provided in § 46.2-217.

*Patron - Fralin*

**HB154 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest.

*Patron - Nichols*

**HB161 Increased fines for traffic offenses.** Imposes mandatory minimum fine of \$2,250 for DUI offenses and mandatory minimum fines of \$2,500 to \$3,000 for vehicle-related felonies.

*Patron - Albo*

**HB168 Motor vehicle liability insurance coverage limits.** Increases the minimum liability coverage amounts from \$25,000 to \$50,000 in cases of bodily injury to or death of one or more persons in any one accident.

*Patron - Albo*

**HB178 Forfeiture of motor vehicle for two or more offenses of driving without insurance.** Provides that any motor vehicle owned by the operator and used to commit a second offense of driving without insurance or payment of the uninsured motorist fee shall be forfeited. Also the bill provides that any vehicle knowingly used to commit a second such violation by a person who is not the owner thereof shall be subject to impoundment under § 46.2-301.1, and the person shall be fined an amount equivalent to the fair market value of the vehicle.

*Patron - Marshall, R.G.*

**HB179 Alternatives to civil remedial (abusive driver) fee for certain offenses.** Provides that if a reckless driving offense involves speeding in excess of 85 miles per hour, the court may, in its discretion, order the installation of a device to limit the speed of the vehicle routinely driven by the defendant to 75 miles per hour in lieu of a civil remedial fee. The bill also provides that if the offense involves driving while intoxicated in violation of § 18.2-266, 18.2-266.1, or 46.2-341.24, the court may, in its discretion, order that the person install and use an ignition interlock system in accordance with the provisions of §§ 18.2-270.1 and 18.2-270.2 for a period of 12 consecutive months in lieu of a civil remedial fee.

*Patron - Marshall, R.G.*

**HB180 Forfeiture of motor vehicle for driving with a suspended operator's license.** Provides that any motor vehicle owned by the operator and used to commit the offense of driving while his operator's license is suspended shall be forfeited. Also the bill provides that any vehicle knowingly used to commit such a violation by a person who is not the owner thereof shall be subject to impoundment under § 46.2-301.1, and the operator shall be fined an amount equivalent to the fair market value of the vehicle.

*Patron - Marshall, R.G.*

**HB186 Issuance and renewal of driver's licenses, etc.** Requires presentation to DMV of proof of U.S. citizenship prior to issuance or renewal of any license, permit or special identification card.

*Patron - Marshall, R.G.*

**HB225 Child restraints.** Exempts children being transported in minibuses and certain vans from child restraint requirements provided that those who are transported in vans are using safety belts.

*Patron - Cosgrove*

**HB231 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*

**HB261 Use of flashing lights on law-enforcement and rescue vehicles.** Allows law-enforcement and emergency response personnel to exercise discretion in deciding whether to use flashing lights on vehicles while responding to an emergency.

*Patron - Ware, O.*

**HB287 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Kilgore*

**HB290 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Englin*

**HB293 Weight limit enforcement by counties.** Provides for county enforcement of weight limits on highways within its boundaries. This measure is similar to existing provisions of §§ 46.2-1138.1 and 46.2-1138.2.

*Patron - Poisson*

**HB308 Special license plates for immediate family members of persons who have died in military service to their country; fees.** Eliminates the one-time \$10 surcharge imposed for issuance of these plates. This bill was incorporated into HB 2.

*Patron - Eisenberg*

**HB340 Motor vehicles; definitions.** Redefines the term "disabled veteran" for the purposes of Title 46.2 (Motor Vehicles) to include a veteran who is at least 50% disabled as certified by the U.S. Veterans Administration. This definition governs which veterans are eligible for disabled veteran special license plates. This bill was incorporated into HB 1.

*Patron - Plum*

**HB352 Motor carrier liability insurance.** Requires operators of buses with a capacity of no more than 40 passengers that provide sightseeing and transportation services primarily for tourists to have \$1,500,000 in liability insurance.

*Patron - Cole*

**HB376 Examination of applicants for driver's licenses.** Requires that all examinations of applicants for driver's licenses be conducted exclusively in the English language. Use of interpreters in connection with driver's license examinations is prohibited.

*Patron - Marshall, D.W.*

**HB377 Civil remedial (abusive driver) fees.** Allows a court to order community service in lieu of imposition of civil remedial fees when it finds that the person is unable to pay such fees or that payment will present a substantial hardship.

*Patron - Marshall, D.W.*

**HB380 Impoundment of motor vehicle after issuance of a ticket for driving without a license.** Provides that the motor vehicle of a person arrested or issued a summons for driving without a license shall be impounded or immobilized by the law-enforcement officer at the time of arrest or summons unless the person releases control of the vehicle at the scene and grants permission to drive the vehicle to a passenger or other person with a valid operator's license. This bill has been incorporated into HB 433.

*Patron - Marshall, D.W.*

**HB446 Impoundment of motor vehicle for driving without an operator's license.** Provides that any adult who is convicted of two offenses of driving without an operator's license shall suffer a 30-day impoundment of his motor vehicle. This bill has been incorporated into HB 433.

*Patron - Rust*

**HB447 Motor vehicles; driving without a license.** Includes as part of the punishment for a third or subsequent violation of driving without a license occurring within a period of 10 years of a prior offense a mandatory minimum term of confinement of 10 days.

*Patron - Rust*

**HB448 Abusive driver civil remedial fees.** Provides that "abusive driver" civil remedial fees are to be assessed on any person who operates a motor vehicle on the highways of Virginia, whether licensed to operate a motor vehicle in Virginia or not, whether a resident of Virginia or not, as opposed to the current law, which limits application to Virginia residents. The bill also provides that a civil remedial fee will not be imposed for driving on a suspended license if the suspension or revocation was based solely upon a person's failure to pay a court fine, court cost, or civil remedial fee. The bill also limits application of the fees upon the commission of unnamed traffic misdemeanors to Class 1 and Class 2 misdemeanors. Finally, the bill provides that no fee is to be imposed for reckless driving when the violation was as a result of traveling (a) less than 80 miles per hour in a 55 mile-per-hour zone or (b) less than 90 miles per hour in a 65 mile-per-hour zone.

*Patron - Rust*

**HB460 Off-road motorcycles.** Applies existing limitations on operation of all-terrain vehicles, generally, to off-road motorcycles as well. The bill also requires retailers selling off-road motorcycles to affix to the motorcycles stickers stating the limitations on their operation.

*Patron - Merricks*

**HB468 Special license plates for immediate family members of persons who have died in military service to their country; fees.** Eliminates the one-time \$10 surcharge imposed for issuance of these plates. This bill was incorporated into HB 2.

*Patron - Watts*

**HB481 Provisional driver's license; primary offense.** Removes secondary offense designation and makes violations of passenger limits, curfew, and wireless communications use primary offenses.

*Patron - Rust*

**HB533 Driving with an animal.** Makes it a traffic infraction to drive with an animal in the driver's lap or with the animal in a location or position that interferes with the driver's control or vision.

*Patron - Mathieson*

**HB539 Nonrepairable vehicles; title and registration.** Allows the title and registration of a nonrepairable vehicle to be retained by its owner if the vehicle passes an examination by the Department of Motor Vehicles.

*Patron - Orrock*

**HB581 Tow truck driver authorization documents.** Exempts from the requirement that tow truck operators have tow truck authorization documents issued by the Board for Towing and Recovery Operators tow trucks that are (i) towing vehicles from origins in another state and are passing through the Commonwealth to destinations outside the Commonwealth, or (ii) towing vehicles from origins in another state to destinations in the Commonwealth, or (iii) not engaged to tow vehicles by physical or mechanical means that cause the towed vehicle to be moved or lifted off the ground. This bill was incorporated into HB 1012.

*Patron - Marsden*

**HB600 Amber lights; neighborhood watch vehicles.** Allows amber warning lights on neighborhood watch vehicles to be lit when the vehicles are in their assigned neighborhood watch program area, whether in motion or stationary.

*Patron - McClellan*

**HB609 Text messaging while driving.** Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of sending, receiving, or reading any text message.

*Patron - Eisenberg*

**HB642 Yielding right-of-way when approaching certain vehicles.** Requires the driver of any motor vehicle to yield the right-of-way when approaching vehicles used to collect and deliver the United States mail if such vehicles display flashing amber lights.

*Patron - Hogan*

**HB652 Colored warning lights on vehicles.** Allows regional jail vehicles to be equipped with flashing blue, red and blue, blue and white, or red, white and blue warning lights.

*Patron - Wright*

**HB714 Traffic lights; penalty.** Creates a Class 6 felony for running a red light, if running the red light is the sole and proximate cause of the death of another.

*Patron - Janis*

**HB747 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest.

*Patron - Caputo*

**HB786 Local vehicle licenses; agreements with DMV.** Provides that DMV will refuse registration or renewal of registration of a vehicle if any delinquent taxes are owed to any county, city, or town, not just the county, city, or town that has entered into an agreement with DMV to deny registrations to persons who owe that particular locality the taxes. This bill was incorporated into HB 133.

*Patron - Brink*

**HB832 Removal of trespassing vehicles by towing and recovery operators.** Eliminates the requirement that towing and recovery operators obtain a second written authoriza-

tion from the owner of the property from which the vehicle is towed.

*Patron - Rust*

**HB884 School buses; engine idling.** Prohibits idling of engines of diesel-powered school buses on school premises while taking on or discharging students, except as allowed by regulations of the Department of Education.

*Patron - Toscano*

**HB888 Oversize truck permits.** Provides that permits issued by DMV for operation of trucks hauling storage sheds that are 10 feet or 12 feet wide may not contain limitations on hours of operation depending on whether or not schools are in session. However, the bill explicitly does allow such hours-of-operation limitation for trucks hauling storage sheds that are 14 feet wide or wider.

*Patron - Lohr*

**HB891 Discretionary arrest for third offense of driving on a suspended license.** Provides that an officer may, at his discretion, arrest a person for driving on a suspended license if the person has been twice previously convicted thereof.

*Patron - Lohr*

**HB967 Fees imposed by DMV on vehicle dealers.** Revises certain fees imposed by DMV on certain motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers.

*Patron - Shannon*

**HB993 Special license plates; supporters of Destination Imagination.** Authorizes the issuance of revenue-sharing special license plates to supporters of Destination Imagination. 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 Destination Imagination to support its operation and programs in Virginia.

*Patron - Bell*

**HB1022 Disabled parking.** Amends the definition of "person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking" to include all persons who are 75 years old or older. This change will enable persons who are more than 75 years old or older to obtain disabled parking license plates or placards irrespective of any disability.

*Patron - Hugo*

**HB1027 Motor vehicles; regulation of parking of certain vehicles in certain counties.** Authorizes the governing body of certain counties (and any town located therein) by ordinance to regulate or prohibit the parking of any commercial vehicle on any public highway in such county or town located within a property owners' association whose declaration or rules duly adopted pursuant thereto expressly restrict the parking of commercial vehicles within such development. The bill defines commercial vehicle.

*Patron - Frederick*

**HB1028 Posting of school zone speed limits.** Requires that signs posting school zone speed limits be located not less than 1,000 feet from the school entrance.

*Patron - Frederick*

**HB1034 Vehicle registrations and certificates of title.** Requires any individual applying for a vehicle registration or certificate of title to prove to the Department of Motor Vehicles

that he is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States. Titles and registrations issued to persons who are neither United States citizens nor permanent legal residents of the United States are to expire at the same time as their legal presence in the United States expires.

*Patron - Frederick*

**HB1035 Law-enforcement officers stopping vehicles.** Requires that when law-enforcement officers pull over motorists, the law-enforcement officers, whenever practicable, pull their vehicles off the roadway before stopping.

*Patron - Frederick*

**HB1065 Safety belts.** Makes non-use of motor vehicle safety belts a "primary offense."

*Patron - Amundson*

**HB1110 Motor carrier liability insurance.** Requires operators of "trolleys" to have \$1,500,000 in liability insurance.

*Patron - Cole*

**HB1112 Violation of weight limits; disposition of penalties.** Allows Stafford County to collect half of penalties for overweight vehicle convictions based on citations issued by county deputies.

*Patron - Cole*

**HB1170 Commercial driver's license.** Makes every passenger-carrying vehicle designed to transport fewer than 16 passengers including the driver and that is offered for rent, for hire, or any complimentary or incidental service a "commercial motor vehicle," requiring a commercial driver's license to operate.

*Patron - Cosgrove*

**HB1173 Motorcyclists' helmets.** Allows certain persons at least 21 years of age to operate or ride motorcycles without wearing helmets.

*Patron - Lingamfelter*

**HB1187 Felony reckless driving; penalty.** Provides that every person convicted of reckless driving who knowingly operates a motor vehicle in a manner so gross, wanton, or culpable as to show a reckless disregard for human life and thereby causes serious bodily injury to another resulting in permanent and significant physical impairment is guilty of a Class 6 felony.

*Patron - Moran*

**HB1188 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest.

*Patron - Moran*

**HB1201 Motor Vehicle Dealer Board; executive director and staff.** Provides that the executive director and other staff of the Motor Vehicle Dealer Board will be employees of the Department of Motor Vehicles designated by the Commissioner of Motor Vehicles. The bill also repeals the provision of law that presently exempts the Board from the Virginia Personnel Act and the Virginia Public Procurement Act.

*Patron - Watts*

**HB1202 Board for Towing and Recovery Operators; executive director and staff.** Provides that the executive director and other staff of the Board for Towing and Recovery

Operators will be employees of the Department of Motor Vehicles designated by the Commissioner of Motor Vehicles. The bill also repeals the provision of law that presently exempts the Board's executive director and staff from the Virginia Personnel Act.

*Patron - Watts*

**HB1221 Commercial drivers; DUI testing after accident.** Provides that commercial drivers who are involved in an accident required to be reported are to be treated as though there is a reasonable suspicion that they were driving under the influence of drugs or alcohol and that the procedures for DUI testing and arrest will apply.

*Patron - Bowling*

**HB1224 Commercial drivers; drug and alcohol tests.** Requires the Department of Motor Vehicles to establish a program whereby commercial drivers must take random and unannounced drug and alcohol tests.

*Patron - Bowling*

**HB1226 Colored warning lights on vehicles.** Allows regional jail vehicles to be equipped with flashing blue, red and blue, blue and white, or red, white and blue warning lights.

*Patron - Bowling*

**HB1231 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Vanderhuy*

**HB1233 Suspension of license on conviction of reckless driving by a minor.** Provides that if a minor is convicted of reckless driving in violation of subdivision (i) of § 46.2-862 (reckless driving in excess of 20 miles per hour over the speed limit), he shall lose his privilege to drive for six months. Currently, there is no exception for minors and all persons convicted of reckless driving (any offense) are subject to license suspension for a period of 10 days to six months.

*Patron - Vanderhuy*

**HB1244 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*

**HB1270 Pedestrians and drivers; responsibilities.** Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

*Patron - Ebbin*

**HB1291 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Athey*

**HB1337 Child unattended in a car; penalty.** Provides that it is unlawful for any person who is responsible for a child younger than six years of age to leave such child unattended in a motor vehicle if the conditions within the vehicle or in the immediate vicinity of the vehicle, including outside temperature, present a risk to the health or safety of the child. The penalty for a first offense is a \$100 civil penalty, for a second offense a Class 4 misdemeanor, and for a third or subsequent offense a Class 3 misdemeanor.

*Patron - Barlow*

**HB1344 Special license plates; U.S. Navy chief petty officers.** Authorizes the issuance of special license plates to U.S. Navy chief petty officers.

*Patron - Barlow*

**HB1346 Violation of James City County parking ordinances.** Provides for civil penalties of up to \$75 for first violation, up to \$100 for second violation, and up to \$150 for third and subsequent violations.

*Patron - Barlow*

**HB1374 Restricted permit issuance for license suspension for nonpayment of fines and costs.** Provides for the issuance of a restricted permit to a person whose operator's license is suspended for failure to pay fines and costs. Currently, the person may retain his full driving privilege when he maintains payments in accordance with his deferred or installment payment plan. This bill allows the restricted permit to be issued when the person cannot enter into a payment plan or for other good cause shown. This bill has been incorporated into HB 1407.

*Patron - Morrissey*

**HB1375 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Morrissey*

**HB1402 Examination of applicants for driver's licenses.** Requires that whenever an examination of an applicant for a driver's license requires the use of foreign language interpreter, such interpreter be chosen by DMV, and the cost of interpreter's services be paid by the applicant. Applicants may not provide their own interpreters.

*Patron - Gear*

**HB1452 Display of objects or devices representing or resembling genitalia on motor vehicles.** Prohibits display on or equipping of any motor vehicle with any object that depicts, represents, or resembles human genitalia.

*Patron - Spruill*

**HB1506 Reckless driving; violation of right-of-way.** Provides that a person shall be guilty of reckless driving who commits the traffic infraction of violation of right-of-way when the violation results in the death of another person.

*Patron - Nixon*

**HB1524 Annual license and registration fees in certain localities; collections.** Requires that additional license and registration fees imposed by the Hampton Roads Transportation Authority and/or the Northern Virginia Transportation Authority be collected by the Department of Motor Vehicles or by agents or others who agree in writing to act on behalf of the Department.

*Patron - Athey*

**HB1535 Safety belts.** Makes non-use of motor vehicle safety belts a "primary offense."

*Patron - Barlow*

**HB1540 Driver training schools; regulation by DMV.** Transfers to the Department of Motor Vehicles (DMV) responsibility for driver training programs established for the public school system by the Department of Education.

*Patron - Hugo*

**HB1546 Town weight limit ordinance on certain roads.** Provides that the governing body of any town that pur-

chases town-owned and maintained weight scales for the purpose of enforcing weight limits may adopt ordinances for the assessment of liquidated damages.

*Patron - Athey*

**SB4 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Puller*

**SB6 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Lucas*

**SB42 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Reynolds*

**SB57 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Colgan*

**SB84 Special license plates; U.S. Air Force retirees.** Authorizes the issuance of special license plates for retired members of the United States Air Force.

*Patron - Cuccinelli*

**SB85 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. This bill was incorporated into SB 1.

*Patron - Cuccinelli*

**SB108 Impoundment of motor vehicle for driving without an operator's license.** Provides that any adult who is convicted of two offenses of driving without an operator's license shall suffer a 30-day impoundment of his motor vehicle.

*Patron - Cuccinelli*

**SB154 Special license plates; promoting tourism and conservation on the Northern Neck.** Authorizes the issuance of revenue-sharing special license plates to promote tourism and conservation on the Northern Neck. The annual surcharge for these plates is \$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 Northern Neck Land Conservancy to support its operation and programs.

*Patron - Stuart*

**SB176 Hampton Roads Transportation Authority; taxes and fees of the Authority.** Makes changes to the taxes and fees that may be imposed by the Authority as follows: (i) reduces from \$10 to \$5 the annual motor vehicle inspection fee; (ii) eliminates the 5% sales tax on labor or services charged in the repair of motor vehicles; (iii) reduces the grantor's fee that may be charged from \$0.40 per \$100 to \$0.20 per \$100; (iv) increases from 2% to 5% the retail sales tax on

motor fuels sales; and (v) increases from 2% to 5% the fee that may be charged on the gross proceeds from the daily rental of motor vehicles.

*Patron - Blevins*

**FSB221 Felony reckless driving; penalty.** Provides that a person convicted of reckless driving who willfully operates his motor vehicle in a manner demonstrating a malicious disregard for the likelihood of death or serious bodily harm to another, causing permanent and significant physical impairment, is guilty of a Class 6 felony.

*Patron - McDougle*

**FSB285 Application for driver's license; social security number.** Allows issuance of a driver's license to an applicant who fails to provide a social security number on the application if such failure is due to a bona fide religious objection to providing a social security number for any reason not related to official social security tax and/or benefit purposes.

*Patron - Wampler*

**FSB287 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. This bill was incorporated into SB 1.

*Patron - Wampler*

**FSB309 Suspended license; unpaid fines.** Authorizes the issuance of a restricted permit to operate a motor vehicle during a period of suspension for unpaid fines and costs.

*Patron - Reynolds*

**FSB388 Special license plates; U.S. Air Force.** Authorizes the issuance of special license plates for members and retired members of the U.S. Air Force.

*Patron - Martin*

**FSB411 Transportation funding; motor fuels tax and abusive driver fees.** Repeals certain abusive driver fees and increases the motor fuels tax rate by \$0.025 per gallon from \$0.175 to \$0.20. The bill further provides for a refund of any abusive driver fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Puckett*

**FSB414 Nonemergency medical transportation.** Creates a new DMV permit for nonemergency medical transportation providers exclusively in the business of providing services to recipients of Medicaid and FAMIS.

*Patron - Puckett*

**FSB430 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. This bill was incorporated into SB 1.

*Patron - Vogel*

**FSB443 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. This bill was incorporated into SB 1.

*Patron - Petersen*

**FSB512 DMV fees.** Increases the surcharge of issuance of any driver's license other than a commercial driver's license from \$1.60 per year to \$3.60 per year of validity of the license and increases the fee for the reissuance or replacement of a driver's license from \$5 to \$10. The bill also increases the fee

for issuance of a duplicate driver's license from \$5 to \$10. This bill was incorporated into SB 116.

*Patron - Miller, Y.B.*

**FSB556 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.

*Patron - Obenshain*

**FSB644 Pedestrians and drivers; responsibilities.** Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

*Patron - Ticer*

**FSB649 Motor vehicle safety belt systems.** Repeals language that makes nonuse of motor vehicle safety belt systems a secondary offense.

*Patron - Ticer*

**FSB664 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. This bill was incorporated into SB 1.

*Patron - Newman*

**FSB698 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 - Petersen*

**FSB728 Collection of annual license and registration fees in certain localities.** Prohibits licensed motor vehicle dealers from collecting any additional license and registration fees imposed by the Hampton Roads Transportation Authority and/or the Northern Virginia Transportation Authority. This bill is identical to HB 649.

*Patron - Saslaw*

**FSB739 Minimum motor vehicle noise emissions.** Provides for promulgation by the Department of Motor Vehicles of regulations establishing minimum noise emission levels for motor vehicles.

*Patron - Whipple*

**FSB758 Special license plates; immediate family members of persons killed in military service in Afghanistan or Iraq since September 11, 2001.** Authorizes the issuance of special license plates to immediate family members of persons killed in military service in Afghanistan or Iraq since September 11, 2001.

*Patron - Ruff*

## Carried Over

**CHB79 Special license plates; members and supporters of the Virginia Citizens Defense League.** Authorizes the issuance of special license plates for members and supporters of the Virginia Citizens Defense League.

*Patron - Abbitt*

**CHB141 Special license plates; supporters of the Road to Revolution state heritage trail.** Authorizes the issuance of revenue-sharing special license plates to supporters of the Road to Revolution state heritage trail. 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, in

equal amounts, to the fiscal agent of the Road to Revolution state heritage trail, to be used to support tourism and promotional activities associated with the Road to Revolution state heritage trail.

*Patron - Peace*

**HB235 Replacement of certain license plates.** Provides that when any person who has registered a vehicle with the Department shows to the satisfaction of the Commissioner that the license plates issued for display on another vehicle registered with the Department have a combination of letters and numbers sufficiently similar to the combination of letters and numbers of the license plates issued for display on his vehicle that law-enforcement agencies and toll facility operators have frequently and repeatedly mistakenly identified his vehicle as being in violation of law or as having failed to pay a toll, the Commissioner must cancel the license plates of the vehicle that was actually involved with the violation of law or failure to pay a toll and issue new license plates for that vehicle with a substantially different combination of letters and numbers.

*Patron - Cosgrove*

**HB311 Driving on suspended license.** Prohibits operation of mopeds on a suspended or revoked license, except to and from place of employment.

*Patron - Landes*

**HB438 Learner's permits.** Prohibits issuance of learner's permits to minors when the records of the school they attend show they have had more than five unexcused absences from school in the six months immediately preceding their application.

*Patron - Frederick*

**HB904 Use of mobile telephone and other wireless electronic devices while driving.** Provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory.

*Patron - Mathieson*

**HB942 Provisional driver's license holder limitations.** Repeals the provision that allows drivers operating under a provisional driver's license to use wireless communications devices when their vehicles are lawfully parked or stopped. The bill also removes a subsection that makes offenses in the rest of the section secondary offenses.

*Patron - Jones, D.C.*

**HB1296 Board for Towing and Recovery Operators.** Postpones until July 1, 2010, the effective date of any regulations promulgated by the Board. The bill also postpones until July 1, 2010, the requirement that tow truck operators have tow truck driver authorization documents issued by the Board and the requirement that towing and recovery services have and display licenses issued by the Board.

*Patron - Peace*

**HB1427 Special license plates; shag dance clubs of Virginia.** Authorizes the issuance of special license plates bearing the legend: SHAG DANCE CLUBS OF VIRGINIA.

*Patron - Loupassi*

**SB39 Traffic accident reports.** Increases from \$1,000 to \$1,500 the damage threshold at which traffic accidents become "reportable."

*Patron - Deeds*

**SB115 Traffic lights; penalty.** Creates a Class 1 misdemeanor for running a red light, if running the red light is the sole and proximate cause of the death of another.

*Patron - McDougale*

**SB224 Driver's license and registration; failure to carry.** Imposes a fine of between \$50 and \$250 for failing to carry a driver's license and vehicle registration card. The current fine is \$10. The existing provision that the summons will be dismissed if the person produces a license that was issued to him before the summons was issued or a registration card remains unchanged.

*Patron - McDougale*

**SB310 Restricted driver's licenses.** Authorizes a court to provide a restricted permit to operate a motor vehicle during the period of suspension of a permit to operate a motor vehicle.

*Patron - Reynolds*

**SB475 Special license plates; business logos.** Authorizes the issuance of special license plates bearing the symbols, emblems, or logotypes of business entities.

*Patron - Hanger*

**SB526 Vehicle safety inspections.** Requires vehicle safety inspections every 24 months instead of every 12 months and increases the maximum allowable fee for most vehicles from \$16 to \$20.

*Patron - Locke*

**SB527 Definitions; law-enforcement vehicle.** As introduced, defines "law-enforcement vehicle" as any vehicle owned and operated by or under the direction of a government agency and used for the enforcement of criminal, traffic, and/or penal laws within the Commonwealth. A substitute carried over to 2009 allows regional jail vehicles to be equipped with flashing blue, red and blue, blue and white, or red, white, and blue warning lights.

*Patron - Houck*

**SB558 Vehicle weight limit statutes; enforcement by local law-enforcement agencies.** Allows enforcement of state vehicle weight limit statutes by local law-enforcement agencies.

*Patron - Obenshain*

**SB723 Provisional driver's license; primary offense.** Removes secondary offense designation and makes violations of passenger limits, curfew, and wireless communications use primary offenses.

*Patron - Barker*

## Notaries and Out-of-State Commissioners

### Passed

**HB218 Notaries Public.** Clarifies provisions relating to the adoption of electronic notarization and transitioning to the required seal application on notarized documents. The bill also clarifies the validity of documents notarized within and without the Commonwealth, and when documents are conclusively presumed to be in proper form following recordation. The bill removes the requirement that a notary must be recommended

by a public official for appointment. This bill is identical to SB 621.

*Patron - Kilgore*

**SB118 Notarial certificates.** Provides that the requirement that the notarial certificate wording appear on the same page as the signature being notarized does not apply if the notarial certificate includes the name of each person whose signature is being notarized. This bill incorporates SB 327 and SB 550. Also states that any document executed before July 1, 2008, that does not have the notarial certificate wording on the same page as the signature is valid as long as it is executed properly otherwise.

*Patron - Edwards*

**SB621 Notaries Public.** Clarifies provisions relating to the adoption of electronic notarization and transitioning to the required seal application on notarized documents. The bill also clarifies the validity of documents notarized within and without the Commonwealth, and when documents are conclusively presumed to be in proper form following recordation. The bill removes the requirement that a notary must be recommended by a public official for appointment. This bill is identical to HB 218.

*Patron - Stolle*

## Failed

**SB327 Notarial certificates.** Removes the requirement that the notarial certificate wording shall appear on the same page as the signature being notarized. This bill has been incorporated into SB 118.

*Patron - Quayle*

**SB550 Notarial certificates.** Removes the requirement that the notarial certificate wording shall appear on the same page as the signature being notarized. This bill has been incorporated into SB 118.

*Patron - Hurt*

## Oaths, Affirmations and Bonds

### Passed

**HB1575 Administration of oath of office.** Allows a person elected or appointed to an office in the Commonwealth that requires an oath of office to make such oath before any notary public, if such person is a member of the United States Armed Forces and is on active duty, or if such person is a civilian deployed by the United States Department of Defense. Emergency. This bill is identical to SB 793.

*Patron - Marshall, R.G.*

**SB793 Administration of oath of office.** Allows a person elected or appointed to an office in the Commonwealth that requires an oath of office to make such oath before any notary public, if such person is a member of the United States Armed Forces and is on active duty, or if such person is a civilian deployed by the United States Department of Defense. The act will be enforced from the date of its passage. This bill is identical to HB 1575.

*Patron - Colgan*

## Partnerships

### Passed

**HB780 Revised Uniform Limited Partnership Act.** Reorganizes provisions of the Revised Uniform Limited Partnership Act regarding the winding up, cancellation, and reinstatement of limited partnerships. The revisions to the structure of the Act conform to the organization of the Virginia Stock and Nonstock Corporation Acts. Other provisions authorize the removal of the initial registered office and registered agent information in the certificate of limited partnership if a statement of change is on file with the Commission and make technical clarifications.

*Patron - Kilgore*

### Failed

**HB1451 Limited partnerships; distributions of assets.** Provides that, except as provided in the partnership agreement, upon the winding up of a limited partnership, its assets, after payment to creditors and to partners and former partners in satisfaction of certain liabilities, shall be distributed, when the winding up is due to an order of the State Corporation Commission, to partners respecting their partnership interests. If the winding up is due to another reason, the assets shall be distributed to partners first for the return of their contributions and secondly respecting their partnership interests, in the proportions in which the partners share in distributions. Currently, the distribution of such net assets is made to partners first for the return of their contributions and secondly respecting their partnership interests, without regard to what caused the winding up of the limited partnership.

*Patron - Albo*

## Pensions, Benefits and Retirement

### Passed

**HB112 Virginia Retirement System; early retirement provisions for certain local government officials.** Adds all county administrators to the list of local government officials that currently includes some county administrators and other local government officials who may retire without a reduction in retirement allowance upon attaining age fifty, if they are involuntarily dismissed or are not reappointed.

*Patron - Byron*

**HB245 Virginia Retirement System group insurance program; exemption from process.** Makes insurance benefits and the proceeds therefrom under any group insurance policy purchased by the Virginia Retirement System subject to administrative child support actions and court proceedings to enforce a child or child and spousal support obligations. Currently, these insurance benefits are exempt from all legal process, though other Virginia Retirement System benefits are subject to process to enforce child or child and spousal support obligations.

*Patron - O'Bannon*

**HB772 Virginia Retirement System; exemption from liability for advisory committees.** Extends the current exemp-

tion from liability to advisory committees appointed by the Virginia Retirement System Board of Trustees. The bill also deletes redundant provisions.

*Patron - Tata*

**HB773 Virginia Retirement System; prior service credit.** Makes a technical correction.

*Patron - Tata*

**HB774 State Police Officers' Retirement System.** Clarifies the time frame within which compulsory retirement shall occur by specifying that it be within 60 days of a member's reaching the age of 70 instead of "forthwith" after reaching the age of 70.

*Patron - Tata*

**HB775 Cash match plan for state employees.** Makes a technical correction.

*Patron - Tata*

**SB353 Long-term care coverage for public employees.** Transfers the administration of long-term care coverage programs for state employees, employees of local governments, local officers, and teachers from the Department of Human Resource Management (DHRM) to the Virginia Retirement System, upon the mutual consent of VRS and DHRM.

*Patron - Stosch*

**SB494 Commonwealth Neurotrauma Initiative Advisory Board; report triennially.** Changes reporting requirements for the Commonwealth Neurotrauma Initiative Advisory Board from annual reporting to triennial reporting.

*Patron - Hanger*

## Failed

**HB9 Health insurance credits; retired employees of local social services boards.** Increases the monthly health insurance credit for retired employees of local social services boards from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill eliminates an overall cap on the monthly amount of the credit, and establishes a formula for determining the monthly health insurance credit for such employees whose retirement was for disability. A locality would no longer have the option of providing an additional \$1 health insurance credit to retired employees of local social services boards. The measure equalizes the health insurance credit for retired employees of local social services boards with the credit available to retired teachers.

*Patron - Wright*

**HB78 Health insurance credits; certain retired public officers and employees.** Increases the monthly health insurance credit from \$1.50 to \$4.00 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 - Abbitt*

**HB128 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*

**HB317 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 - Morgan*

**HB369 Virginia Retirement System; state and local law-enforcement officers.** Permits members of the State Police Officers' System, the Virginia Law Officers' Retirement System, and local law-enforcement officials covered under the Virginia Retirement System whose localities have elected to provide benefits comparable to that of State Police Officers, to take full retirement (unreduced) if they have at least 25 years of creditable service, regardless of their age.

*Patron - Carrico*

**HB411 Judicial retirement.** Allows a member who is at least 50 years of age and has a minimum of 20 years of actual judicial service to retire with full benefits. The weighted years of service factor and purchased service credit cannot be used in calculating the required 20 years of actual service.

*Patron - Griffith*

**HB482 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*

**HB483 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*

**HB484 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, 2008.

*Patron - Shuler*

**HB556 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*

**HB596 Virginia Retirement System; superintendents and sworn officers of regional jails.** Requires localities participating in the Virginia Retirement System and participating in a regional jail to provide retirement benefits comparable to the benefits provided to state police officers of the regional jail's superintendent and sworn officers.

*Patron - Hamilton*

**HB695 Virginia Retirement System; loss of retirement benefits for certain felonious convictions.** Provides that a member of any of the retirement programs administered by the Virginia Retirement System forfeits his retirement benefits if it is determined that he has been convicted of a felony that

arises out of misconduct in any position covered under the retirement programs administered by the Virginia Retirement System.

*Patron - Armstrong*

**HB736 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*

**HB738 Virginia Retirement System; purchase of prior service credit.** Permits a member of the Virginia Retirement System whose spouse was in active duty military service to purchase up to four years of prior service credit for the period of time that the member's spouse was in active duty military service provided that the member's spouse was required by the military to move at least once from a military base in one state to a military base in another state or another country.

*Patron - Caputo*

**HB739 Virginia Retirement System; retired members working at public colleges and universities.** Permits certain retired members to work as an administrative or teaching faculty employee at a public college or university and continue receiving his retirement allowance.

*Patron - Caputo*

**HB783 Mandatory retirement age for judges.** Increases the mandatory retirement age for judges from age 70 to age 73. This bill is a recommendation of the Judicial Council of Virginia.

*Patron - Kilgore*

**HB790 Virginia Retirement System; retired members working at public colleges and universities.** Permits certain retired members to work as an administrative or teaching faculty employee at a public college or university and continue receiving his retirement allowance.

*Patron - Ingram*

**HB930 Virginia Retirement System; investments related to countries sponsoring terrorism.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies meeting certain criteria gauged to be related to supporting countries sponsoring terrorism.

*Patron - Gilbert*

**HB960 Virginia Retirement System; optional increase for political subdivisions.** Permits any locality that participates in the Virginia Retirement System to increase the retirement allowance for its employees from 1.70 percent of their average final compensation multiplied by the amount of their creditable service to 1.85 percent of their average final compensation multiplied by the amount of their creditable service.

*Patron - Shannon*

**HB981 Virginia Retirement System; local law-enforcement officers.** Requires localities choosing to provide retirement benefits to local law-enforcement officers that are comparable to the benefits provided to state police officers, to compute a factor in the retirement benefits by multiplying average final compensation by 1.85%. Under current law the localities may choose a multiplier of 1.7% or 1.85%.

*Patron - Nutter*

**HB1148 Local Government Manager Retention Program; retirement benefits.** Permits localities to elect to provide unreduced early retirement benefits and the additional allowance provided to State Police Officers to the chief local executive employee who: (i) has attained the age of 50; (ii) has held such position in the locality for at least 15 consecutive years; and (iii) has at least 20 years of creditable service with the Virginia Retirement System.

*Patron - Phillips*

**HB1154 Retirement credit for unused sick leave.** Provides that the unused sick leave balances of state and local employees who are not covered by the Virginia Sickness and Disability Program or an employer-sponsored short- or long-term disability sickness plan would be converted into additional retirement credit upon the effective date of retirement. Unused sick leave would be converted into retirement credit at the rate of one month of service for each 173 hours of unused sick leave. The actuarial cost for the conversion of sick leave balances to additional service credit would be incorporated into the applicable employer's annual contribution for retirement.

*Patron - Phillips*

**HB1193 Military Service Personnel Bill of Rights of 2008.** Provides a number of rights and enhancements to military service personnel who are on active duty and domiciled in the Commonwealth. More specifically, the bill:

1. Requires the Department of Human Resources Management to develop, in cooperation with the Department of Planning and Budget, state personnel policies providing supplemental pay to any state employee who (i) is on active military duty in the armed forces of the United States and (ii) receives active military duty pay in an amount that is less than his regular state pay,
2. Allows any individual domiciled in Virginia who is a member of the National Guard to participate in the group life, accidental death and dismemberment policy administered by the Virginia Retirement System, provided the individual pays the full amount of the cost of coverage under the insurance program,
3. Allows a subtraction when calculating Virginia taxable income for National Guard and Reserve personnel military pay when they serve, outside the United States, on extended active duty for periods of 90 days or longer, and
4. Authorizes Virginia domiciled members of the armed services and their spouses to freeze access to their credit reports.

*Patron - Moran*

**HB1219 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 - Bowling*

**HB1460 Virginia Retirement System; investments related to state sponsors of terrorism.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies meeting certain criteria gauged to be related to supporting state sponsors of terrorism as determined by the Secretary of State of the United States.

*Patron - Moran*

**SB34 Mandatory retirement for judges.** Increases the mandatory retirement age for judges from age 70 to age 75. This bill has been incorporated into SB 19.

*Patron - Deeds*

**SB87 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*

**FSB110 Retirement benefits; public safety officers and state police officers.** Makes legislation passed by the 2007 Session of the General Assembly that increased retirement benefits for certain sheriffs, deputy sheriffs, public safety officers, and state police officers applicable to persons who retired from service on or after July 1, 2002. Under the 2007 legislation, among other changes, the average final compensation retirement multiplier for sheriffs and state police officers was increased from 1.7 percent to 1.85 percent, and all deputy sheriffs of localities participating in the Virginia Retirement System were provided LEOs retirement benefits. For any such person who retired from service on or after July 1, 2002, but before July 1, 2007, any increase in retirement benefits as a result of the bill would be made available on a prospective basis beginning July 1, 2008.

*Patron - McDougle*

**FSB127 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*

**FSB128 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*

**FSB187 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 2.0 multiplier would apply to the total amount of creditable service at the time of retirement, regardless if some portion of the total amount of creditable service relates to other than teaching. The bill applies to current and future retirees.

*Patron - Herring*

**FSB367 VRS; retirement credits for special forest wardens.** Provides retirement credits to special forest wardens of the Department of Forestry who participate directly in extinguishing forest fires. Such persons would receive eight hours of retirement credits for each day or portion of a day in which they participate directly in extinguishing a forest fire. The retirement credits could be used to reduce the 30 years of service otherwise required for eligibility for an unreduced service retirement allowance, but not below 25 years of service. The net years and months of service remaining after application of the retirement credits would be the years and months of service required of such special forest warden for eligibility for an unreduced service retirement allowance. Each month of service would be eliminated at the rate of one month of service for each 173 hours of retirement credits. No creditable service or compensation would be allowed or granted for the retirement credits. This bill incorporates SB 491 and SB 599.

*Patron - Watkins*

**FSB491 VRS; retirement credits for special forest wardens.** Provides retirement credits to special forest wardens of the Department of Forestry who participate directly in extinguishing forest fires. Such persons would receive eight hours of retirement credits for each day or portion of a day in which they participate directly in extinguishing a forest fire. The retirement credits could be used to reduce the 30 years of service otherwise required for eligibility for an unreduced service retirement allowance, but not below 25 years of service. The net years and months of service remaining after application of the retirement credits would be the years and months of service required of such special forest warden for eligibility for an unreduced service retirement allowance. Each month of service would be eliminated at the rate of one month of service for each 173 hours of retirement credits. No creditable service or compensation would be allowed or granted for the retirement credits. This bill was incorporated into SB 367.

*Patron - Hanger*

**FSB587 Local Government Manager Retention Program; retirement benefits.** Permits localities to elect to provide unreduced early retirement benefits and the additional allowance provided to State Police Officers to the chief local executive employee who: (i) has attained the age of 50; (ii) has held such position in the locality for at least 15 consecutive years; and (iii) has at least 20 years of creditable service with the Virginia Retirement System.

*Patron - Puckett*

**FSB599 Virginia Retirement System; additional creditable service for special forest wardens.** Provides additional creditable service for the following duties performed by special forest wardens in the scope of employment: (i) fighting forest fires; (ii) participating in fire or firefighter training conducted by the Department or an agent thereof; (iii) directly participating in a prescribed burning; (iv) directly conducting an investigation relating to the cause of a forest fire; and (v) directly participating in fighting or directly acting to suppress the danger to life or property from other emergencies such as hurricanes, floods, and ice storms. A special forest warden would receive eight hours of additional creditable service for each day, or portion thereof, in which he performed one or more of such duties. The additional creditable service would be retroactive to January 1, 2003, for special forest wardens in service. This bill was incorporated into SB 367.

*Patron - Norment*

**FSB614 Virginia Retirement System; authority to manage and invest certain funds.** Authorizes the Virginia Retirement System to manage and invest funds in a trust or equivalent arrangement established by a local government or other local entity to fund certain postemployment benefits. The bill would provide that the Commonwealth would not be liable for any losses suffered by a local entity, or a trust or equivalent arrangement established by the local entity, on investments of such funds made by the Virginia Retirement System. In addition, no officer, director, or member of the Board of the Virginia Retirement System or of any advisory committee thereof or any subsidiary corporation of the Virginia Retirement System whose actions are within the standard of care of a prudent person acting in a like capacity would be liable for any investment losses.

*Patron - Stolle*

**FSB624 Virginia Retirement System; superintendents and sworn officers of regional jails.** Requires localities participating in the Virginia Retirement System and participating in a regional jail to provide retirement benefits comparable to

the benefits provided to state police officers to the regional jail's superintendent and sworn officers.

*Patron - Stolle*

**☐SB695 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. The bill also repeals sunset dates relating to allowing retired persons to work as teachers, administrative personnel, and school division superintendents while receiving their VRS retirement pay.

*Patron - Ruff*

## Carried Over

**☐SB19 Mandatory retirement age for judges.** Increases the mandatory retirement age for judges from age 70 to age 75. This bill incorporates SB 34.

*Patron - Edwards*

**☐SB260 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 - Deeds*

**☐SB261 Virginia Law Officers' Retirement System (VALORS).** Adds conservation officers of the Department of Conservation and Recreation as members of VALORS.

*Patron - Deeds*

**☐SB305 Health insurance credit for retired local officers.** Increases the monthly health insurance credit for retired constitutional officers, employees of constitutional officers, general registrars, employees of general registrars, and local social service employees to \$4 for each year of creditable service. Currently, the credit is \$1.50 per month for each year of creditable service. The maximum monthly credit is increased from \$45 to \$120.

*Patron - Houck*

**☐SB316 Virginia Sickness and Disability Program; open-enrollment period.** Opens the enrollment into the Virginia Sickness and Disability Program between October 1, 2008, and January 1, 2009, for eligible employees not currently participating in the program. Any employee electing to participate in the program would convert his sick leave balances to (i) additional retirement service credit on the basis of one month of service for each 173 hours of sick leave or (ii) disability credits on the basis of one hour of disability credit for each hour of sick leave. Disability credits would be used to continue periods for which the employee would receive income replacement at 100 percent of creditable compensation for a disability. An election to participate in the program must be in writing, and is irrevocable.

*Patron - Deeds*

**☐SB400 Retirement benefits; certain deputy sheriffs retired under disability retirement.** Makes legislation passed by the 2007 Session of the General Assembly that increased retirement benefits for certain sheriffs, deputy sheriffs, public safety officers, and state police officers applicable to deputy sheriffs who retired prior to July 1, 2008, under a disability retirement. Under the 2007 legislation, among other changes, deputy sheriffs of localities participating in the Virginia Retirement System were provided LEOs retirement benefits. Any

increase in retirement benefits as a result of the bill would be made available on a prospective basis beginning July 1, 2008.

*Patron - Puckett*

**☐SB402 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 - Puckett*

**☐SB417 Virginia Sickness and Disability Program; open-enrollment period.** Opens the enrollment into the Virginia Sickness and Disability Program between October 1, 2008, and January 1, 2009, for eligible employees not currently participating in the program. An election to participate must be in writing, and is irrevocable.

*Patron - Puckett*

**☐SB619 Virginia Retirement System; average final compensation retirement multiplier.** Allows members of the Virginia Retirement System to make member contributions for purposes of increasing the average final compensation retirement multiplier from 1.7 percent to 1.85 percent. Members would be required to pay the actuarial equivalent cost for such increase. All such contributions would be treated as additional employee contributions.

*Patron - Stolle*

**☐SB674 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*

**☐SB743 State employees' group life insurance.** Permits a retiree to make an irrevocable beneficiary designation of his group life insurance to purchase or secure funeral services, and services related to interment, cremation, or other means of disposition.

*Patron - Hanger*

## Persons with Disabilities

### Passed

**☐HB214 Public entities; rights of persons with disabilities.** Adds public entities, including schools, to the list of public places in which persons with disabilities are entitled to the same full and free rights as other persons.

*Patron - Cole*

**☐HB853 Service dogs; training.** Adds individuals and persons who are part of a three-unit service dog team and who are conducting continuing training of guide dogs, hearing dogs, or service dogs to the list of persons entitled to the right to be accompanied by such dogs in listed public places.

*Patron - Ebbin*

**☐SB197 The brain injury registry; the Department of Rehabilitative Services.** Eliminates the requirement that hospitals report brain injuries to the brain injury registry maintained by the Department of Rehabilitative Services (DRS), but requires the Department of Health to share all information that is obtained through the Virginia Statewide Trauma Registry with DRS. This bill is a recommendation of the JLARC report

on brain injuries and a recommendation of the Disability Commission.

*Patron - Puller*

## Failed

**HB1356 State Lottery Department; lottery sales agents.** Provides that a private, nongovernmental entity that sells a product, license, or other thing on behalf of an agency of the Commonwealth pursuant to a license or other regulatory process shall not on that basis alone be deemed to be under any program or activity receiving state financial assistance or under any program or activity conducted by or on behalf of any state agency for purposes of the Americans with Disabilities Act. The bill contains a technical amendment.

*Patron - Gear*

## Police, State

### Passed

**HB1007 Virginia Fusion Intelligence Center; confidentiality; immunity.** Provides that papers, records, documents, reports, materials, databases or other evidence or information relative to criminal intelligence or any terrorism investigation in the possession of the Virginia Fusion Intelligence Center within the Department of State Police are confidential and not subject to the Virginia Freedom of Information Act or the Government Data Collections and Disseminations Practices Act. The Department must conduct an annual review of such information and remove any which is determined to not have a nexus to terroristic activity. The bill also provides that people who have access to information maintained by the Fusion Center are not subject to subpoena in any civil action concerning criminal intelligence information maintained by the Fusion Center. The bill restricts the release or dissemination of information without prior authorization from the Fusion Center and punishes any person who knowingly disseminates information with a Class 1 misdemeanor. If such unauthorized release or dissemination results in death or serious bodily injury the penalty is a Class 4 felony. There is an immunity provision for people who furnish information on criminal violations to a governmental entity established for the purposes of detecting and preventing acts of terrorism.

*Patron - Jones, D.C.*

**HB1510 Gang-related criminal information.** Requires the Department of State Police to include arrest statistics for certain gang-related crimes in the annual Crime in Virginia report. This bill incorporates HB 531.

*Patron - May*

## Failed

**HB305 Department of State Police; division of legal presence.** Creates a division of legal presence investigation and enforcement within the Department of State Police. The division shall hire at least 100 full-time law-enforcement officers authorized to perform certain immigration functions.

*Patron - Nichols*

**HB531 Gang-related criminal information.** Requires law-enforcement agencies to forward gang-related criminal information to the Department of State Police for inclusion in

the annual Crime in Virginia report. This bill was incorporated into HB 1510.

*Patron - Mathieson*

**HB846 Department of State Police; variable housing allowance.** Provides a housing allowance for full-time, sworn State Police officers, based upon pay grade and geographical location, from funds that are appropriated for such purpose. The rates of the variable allowance shall be based on suggested rates developed and annually updated by the Department of Human Resource Management.

*Patron - Sherwood*

**HB1157 Department of State Police; investigation of accidents involving state-owned vehicles.** Clarifies that the Department of State Police does not have sole jurisdiction over the investigation of accidents involving state-owned vehicles.

*Patron - Saxman*

**SB410 Provision of care for former State Police dogs.** Provides that from such funds as are appropriated, the Department of State Police would establish a program to make payments or reimbursements for the direct expenses for the provision of care to State Police dogs that have been removed from service. The direct expenses would include expenses for food, veterinary costs and veterinarian-prescribed medications, and surgical procedures.

*Patron - Puckett*

**SB682 Department of State Police; variable housing allowance.** Provides a housing allowance for full-time, sworn State Police officers, based upon pay grade and geographical location, from funds that are appropriated for such purpose. The rates of the variable allowance shall be based on suggested rates developed and annually updated by the Department of Human Resource Management. The provisions of the bill are contingent upon an appropriation of general funds effectuating the purposes of the bill.

*Patron - Stolle*

**SB747 Special Commission on State Police Staffing.** Establishes the Special Commission on the State Police Staffing to advise the Governor and the General Assembly on the adequate staffing level for the Department of State Police.

*Patron - Stolle*

## Prisons and Other Methods of Correction

### Passed

**HB651 Reentry planning.** Requires the Department of Corrections to develop and implement a comprehensive reentry plan for each person committed to the supervision of the Department, as soon as practicable, considering the prisoner's anticipated release date. Such plan shall identify educational, vocational, therapeutic, and other programs necessary to prepare the person for successful transition from prison to society upon the person's discharge and shall include mentor pairing to the extent possible. This bill is identical to SB 200.

*Patron - Wright*

**HB934 No parole for jail inmates convicted of multiple misdemeanors.** Eliminates parole for a jail inmate convicted of misdemeanors on or after July 1, 2008 and sentenced to serve a total active sentence of more than 12 months. Cur-

rently, jail inmates sentenced to serve more than 12 months in jail for a combination of misdemeanor offenses are eligible for parole.

*Patron - Gilbert*

**HB1207 Serious juvenile offenders.** Allows a juvenile convicted as an adult and sentenced to an active term of incarceration with the Department of Juvenile Justice and followed by an active term of incarceration with the Department of Corrections to gain earned sentence credits while serving the juvenile portion of the sentence in a juvenile correctional center.

*Patron - Melvin*

**SB200 Reentry planning.** Requires the Department of Corrections to develop and implement a comprehensive reentry plan for each person committed to the supervision of the Department, as soon as practicable, considering the prisoner's anticipated release date. Such plan shall identify educational, vocational, therapeutic, and other programs necessary to prepare the person for successful transition from prison to society upon the person's discharge and shall include mentor pairing to the extent possible. This bill is identical to HB 651.

*Patron - Puller*

**SB499 Sheriffs; permitting work on public or private property by inmates.** Allows jail inmates to perform work on private property utilized by a nonprofit organization.

*Patron - Northam*

**SB633 Prisoners; Department of Corrections and Division of Child Support Enforcement to identify child support due.** Requires the Department of Corrections, working in cooperation with the Division of Child Support Enforcement, to identify, at least annually, prisoners of whom child support payments are required pursuant to a court order and the amount of child support required of the prisoner pursuant to the order.

*Patron - Ticer*

## Failed

**HB38 Credit for time served discretionary with court.** Provides that when a court orders credit for time served in jail pending trial, etc., it may order that no time or a portion of the time be deducted from the sentence of a term of confinement when a person violates his terms of bail and is incarcerated in a local correctional facility for a violation of his terms of bail pending his trial or appeal.

*Patron - Scott, E.T.*

**HB103 Verification of citizenship and alien status of a person committed to a correctional facility.** Clarifies the mandate that any person in charge of a correctional facility shall inquire as to the citizenship status of a person in his facility and to inquire of the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security as to the person's alien status, for purposes of reporting alien status to the Central Criminal Records Exchange.

*Patron - Albo*

**HB441 Correctional facilities; enforcement of federal civil immigration laws.** Requires the officer in charge of a correctional facility to ensure that at least one officer on duty at the facility is authorized to enforce federal civil immigration laws, pursuant to a memorandum of understanding with federal Immigration and Customs Enforcement. Such an agreement is

often referred to as a "287(g)" agreement. This bill was incorporated into HB 820.

*Patron - Rust*

**HB458 Local correctional facilities.** Allows Danville and Pittsylvania to enter into a regional jail project without a third participating jurisdiction.

*Patron - Merricks*

**HB459 Verification of citizenship and alien status of a person committed to a correctional facility.** Clarifies the mandate that any person in charge of a correctional facility shall inquire as to the citizenship status of a person in his facility and to inquire of the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security as to the person's alien status, for purposes of reporting alien status to the Central Criminal Records Exchange.

*Patron - Albo*

**HB703 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*

**HB704 Residential community programs.** Directs the Department of Corrections, where appropriate and resources are available, to give nonviolent prisoners who have not been convicted of specific offenses or sentenced to one or more life terms the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill restricts the cost of keep to no more than 30 percent of the prisoner's gross earnings, and directs the Department to prescribe guidelines for the program that emphasize training and education related to job skills, literacy, money management, and other life skills.

*Patron - BaCote*

**HB755 Number of deputies; personnel costs for new regional jail facility.** Requires the Compensation Board to consider hiring and personnel costs in preparation for the opening of a regional jail facility in fixing the number of deputies.

*Patron - Poindexter*

**HB763 Powers and duties of probation and parole officers; Central Criminal Records Exchange; correctional facilities; reporting and transfer of aliens to the U. S. Bureau of Immigration and Customs Enforcement.** Requires CCRE, probation and parole officers, correctional facilities, etc., to notify the U. S. Bureau of Immigration and Customs Enforcement if someone in custody appears to be an alien. The bill also allows agreements to be made with the Bureau for the transfer of any alien to immigration authorities. This bill was incorporated into HB 820.

*Patron - Rust*

**HB764 Citizenship of persons in correctional facilities; inquiry to U.S. Bureau of Immigration and Customs Enforcement.** Requires the officer in charge of a correctional facility to inquire through the Law Enforcement Support Center of the U.S. Bureau of Immigration and Customs if at any time during a person's commitment it appears that the person is

an alien. If it is determined that an alien is found to be within the custody of the facility, the officer in charge shall immediately notify the U.S. Bureau of Immigration and Customs as well as the Central Criminal Records Exchange. Current law only requires that the Central Criminal Records Exchange be notified. This bill was incorporated into HB 820.

*Patron - Rust*

**HB906 Prisoners; earned sentence credits.** Allows a maximum of seven and one-half sentence credits, as opposed to the current four and one-half, for each 30 days served.

*Patron - Jones, D.C.*

**HB1039 Regional jail authorities; capital costs.** Allows the state to reimburse certain salary expenses related to the construction of a regional jail facility, if the new facility will supplement existing jails and will not result in the closure of any existing jails.

*Patron - Griffith*

**HB1273 Prisoners; health care costs.** Provides that payment by local correctional facilities for costs incurred for the provision of health care services for prisoners shall be limited to the lesser of the actual amount billed by the health care provider or the Medicaid rate.

*Patron - Spruill*

**SB28 Child-friendly visiting rooms in state correctional facilities.** Permits each state correctional facility to provide child-friendly visiting rooms to promote positive bonds between incarcerated parents and their children. Any program providing child-friendly visiting rooms shall be administered by the Department of Corrections and may include the use of support services from community-based and nonprofit organizations. The Department shall promulgate regulations governing the provision and use of child-friendly visiting rooms. The bill also provides civil and criminal immunity to the Department resulting from liability arising from the operation of child-friendly visiting rooms, unless it is proven that the Department acted in bad faith or with malicious intent.

*Patron - Miller, Y.B.*

**SB205 Prisons and correctional facilities; mandatory release on parole.** Provides that a prisoner whose parole is revoked on a technical violation is not required to serve the minimum six months. Under this bill, the prisoner would receive credit for good time if the parole violation was technical, but not if the violation involved a new and subsequent charge. "Technical violation" means any failure to adhere to conditions of parole that is not deliberate defiance of those conditions or does not constitute further criminal conduct or both.

*Patron - Quayle*

**SB295 Parole interviews; allow videoconferencing.** Provides that parole interviews may be conducted in person or by videoconferencing, by the voting members of the Parole Board, provided that interviews are recorded in full via electronic means that can be reviewed by the voting members.

*Patron - Puller*

**SB395 Death sentence; execution dates.** Removes some of the circumstances in which circuit courts are required to set execution dates before state and federal review of an inmate's death sentence is complete. The Federal Antiterrorism and Effective Death Penalty Act of 1996 has revised the remedies available to the convicted person and imposes a one-year statute of limitations for filing petitions for federal review of state convictions and sentences.

*Patron - Edwards*

**SB595 Regional jails.** Extends the deadline for consideration of construction, enlargement, or renovation of certain local or regional jail facilities as that deadline applies to the Virginia Peninsula Regional Jail Authority.

*Patron - Norment*

## Carried Over

**HB921 State reimbursement for local jail construction.** Increases the Commonwealth's reimbursement level for local jail construction, enlargement, or renovation projects from one-fourth of capital costs to one-half of capital costs if the project results in a facility with 150 or more beds. Additionally, the bill increases the Commonwealth's reimbursement level for regional jail construction, enlargement, or renovation projects that do not meet the requirements of § 53.1-81 or 53.1-82 if the project results in a facility with 150 or more beds.

*Patron - Joannou*

**HB1392 Jail construction reimbursement.** Provides that the Commonwealth will reimburse any county or city up to one-half of the capital costs of a jail construction or renovation project that will increase the capacity by at least 150 beds. Certain shared jail arrangements will also be reimbursed up to one-half of the capital costs for increasing capacity by 150.

*Patron - Sherwood*

**SB138 Medical and psychiatric benefits for prisoners.** Requires the Department of Corrections to take reasonable steps to identify any benefits, including any Social Security or Veterans Administration benefits, for which a prisoner may be eligible and take such steps as may be necessary to ensure that benefits are available to the prisoner at the time of release.

*Patron - Puller*

**SB546 Local correctional facilities.** Allows Danville and Pittsylvania to enter into a regional jail project without a third participating jurisdiction.

*Patron - Hurt*

**SB589 Jail construction reimbursement.** Provides that the Commonwealth will reimburse any county or city up to one-half of the capital costs of a jail construction or renovation project that will increase the capacity by at least 150 beds. Certain shared jail arrangements will also be reimbursed up to one-half of the capital costs for increasing capacity by 150.

*Patron - Howell*

## Professions and Occupations

### Passed

**HB21 Salvinorin A as a Schedule I hallucinogenic.** Includes Salvinorin A in controlled substance Schedule I as a hallucinogenic drug.

*Patron - O'Bannon*

**HB85 Donation of prescription medications.** Requires the Board of Pharmacy to promulgate regulations to establish a Prescription Drug Donation Program to accept certain unused previously dispensed prescription drugs, and re-dispense such drugs to patients of clinics organized in whole or in part for the delivery of health care services to the indigent. This bill requires the Board to promulgate regulations to implement its provisions within 280 days of enactment. This bill also provides that, notwithstanding the due course effective date of the

bill, provisions of current law shall remain in effect until regulations promulgated by the Board for the establishment of the Program become effective.

*Patron - Landes*

**HB383 Licensing and regulation of occupational therapy assistants.** Defines occupational therapy assistant and establishes requirement of a license to practice as an occupational therapy assistant. This bill is identical to SB 134.

*Patron - O'Bannon*

**HB516 Common Interest Communities.** Establishes a Common Interest Communities Board, creates a Common Interest Management Information Fund and allows for a certification process for Common Interest Association managers. The bill adds several new definitions to the Property Owners' Association, Condominium, Real Estate Cooperative, and Time-Share Acts, including "common interest community manager." The bill also sets limits for the fees to be charged for preparation of the required disclosure packets and prohibits any other fees not expressly authorized in the POAA. The bill (i) provides that all declarations shall comply with the terms of the POAA, and the associations created in accordance with the POAA shall have only those powers that are expressly granted in the POAA; (ii) increases the cap on the liability of the association or its manager from \$500 to \$5,000 for actual damages sustained by the seller in the event of the association's failure to comply with the POAA; and (iii) provides that if settlement does not occur within 90 days of the delivery of the disclosure packet, the fee shall be assessed against the lot owner for which the disclosure packet was prepared and shall become as an assessment against the member's lot. The bill contains technical amendments, which reorganize the POAA into three articles: general provisions, disclosure requirements, and operation and management of associations. HB 1076 incorporated into this bill. This bill is identical to SB 301.

*Patron - Suit*

**HB517 Onsite soil evaluators; classes.** Provides for the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals to adopt regulations to include the division of onsite soil evaluators into classes, including one class restricted to the design of conventional onsite sewage systems. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Suit*

**HB518 Onsite Soil evaluators; exemptions from license requirements.** Allows for conventional and alternative onsite sewer systems receiving residential wastewater to be designed by a licensed onsite soil evaluator when certain conditions are met. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Suit*

**HB575 Board for Contractors; prohibited acts; penalties.** Provides that any person who undertakes work without any valid Virginia contractor's license or certificate when a license or certificate is required shall also be guilty of a violation of the Virginia Consumer Protection Act (§ 59.1-196 et seq.) provided the violation involves a consumer transaction as defined in the Virginia Consumer Protection Act.

*Patron - Watts*

**HB605 Nonprofessional corporations; practice of medicine.** Clarifies that an entity that employs or contracts with an individual licensed by a health regulatory board may (i) practice or engage in the practice of a profession or occupation for which the individual is licensed, (ii) provide or render professional services related to the profession or occupation for

which the person is licensed through the licensed individual, and (iii) enforce the terms of employment or of a contract with the licensed individual.

*Patron - O'Bannon*

**HB725 Equine dental technicians.** Provides that registration requirements for equine dental technicians shall not prevent (i) persons performing tasks related to the practice of equine dentistry under the direction and immediate supervision of a licensed veterinarian or registered equine dental technician during completion of training and experience necessary for registration for a period not to exceed six months and (ii) licensed veterinary technicians from planing or leveling equine teeth for routine dental maintenance under the immediate and direct supervision of a licensed veterinarian, provided the licensed veterinary technician has graduated from an American Veterinary Medical Association accredited program with successful completion of coursework in equine dentistry or can document training comparable to that of an equine dental technician.

*Patron - Scott, E.T.*

**HB805 Advance Health Care Directive Registry; creation.** Requires the Department of Health to make available a secure online central registry for advance health care directives. The registry shall be accessible to health care providers licensed by the Board, through a site maintained by the Department of Health. This bill is identical to SB 290.

*Patron - Englin*

**HB823 Schedule II drugs; oripavine and lisdexamfetamine.** Adds oripavine and lisdexamfetamine to the list of Schedule II drugs.

*Patron - Morgan*

**HB1025 Health professions; consent for breast tumor treatment.** Repeals the requirement that a patient sign a consent form before the treatment of a breast tumor. This bill is identical to SB 72.

*Patron - Frederick*

**HB1114 Real Estate Board; real estate firm licenses.** Provides that no business entity shall be granted a firm license unless every managing member of a limited liability company or officer of a corporation who actively participates in the firm brokerage business holds a license as a real estate broker. Currently, the law does not specify the type of business entity.

*Patron - Hull*

**HB1129 Board of Pharmacy; expiration of licenses.** Removes the requirement that certain licenses expire on January 1 annually, and instead allows the Board to set an annual expiration date by regulation. Contains emergency regulation clause.

*Patron - Jones, S.C.*

**HB1147 Controlled substances; nonresident pharmacies; penalties.** Makes it a Class 1 misdemeanor for any person to manufacture, sell, give, distribute or possess with intent to manufacture, sell, give or distribute a Schedule VI controlled substance or imitation controlled substance in violation of the Drug Control Act. The bill requires a nonresident pharmacy to designate a Virginia-licensed pharmacist to be responsible for compliance with all provisions of the Drug Control Act. A nonresident pharmacy that dispenses more than 50 percent of its total prescription volume pursuant to an original prescription order received as a result of solicitation on the Internet, must disclose to the Pharmacy Board that it has received certain certifications. The bill also allows controlled substances that are illegally shipped to be seized by law

enforcement or by an agent of the Board of Pharmacy. This bill is identical to SB 405.

*Patron - Phillips*

**HB1222 Charitable medical events; lack of notice.** Amends criteria which a practitioner of the healing arts must meet in order to render free health care to an underserved population of Virginia, to require that the practitioner to notify the Board of the dates and location of services provided at least 5 business days prior to the voluntary provision of services. This bill also provides that the board shall allow a practitioner of the healing who meets the statutory criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.

*Patron - Bowling*

**HB1260 Blood donation by minors.** Allows minors aged 16 or older to donate blood where such minors meet the donation requirements and have the consent of a parent or legal guardian.

*Patron - O'Bannon*

**HB1397 Duties of real estate brokers and salespersons; required disclosures.** Eliminates the requirement that required disclosures concerning the physical condition of the property made by real estate licensees be conspicuous and printed either in bold lettering or all capitals, and underlined or in a separate box. Such disclosures, however, must continue to be made in writing.

*Patron - Miller, J.H.*

**HB1431 Practice of dental assistants.** Requires the Board of Dentistry to regulate the practice of dental assistants. This bill is identical to SB 151.

*Patron - Bowling*

**HB1445 Administration of drugs; training of educational facility staff.** Allows the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by a resident of a private children's residential facility licensed by the Department of Social Services, Department of Education, or Department of Mental Health, Mental Retardation and Substance Abuse Services, or a student in a school for students with disabilities licensed by the Board of Education. This bill incorporates HB 561.

*Patron - Abbitt*

**HB1521 Embalmers and funeral directors; continuing education.** Requires 10 hours of continuing education hours over a two-year period, rather than the current requirement of five hours per year. Also requires at least one hour per year covering compliance with laws and regulations governing the profession, and at least one hour per year covering preneed funeral arrangements.

*Patron - Massie*

**SB63 Board of Nursing; membership.** Requires that at least one of the seven registered nurses on the Board of Nursing be a licensed nurse practitioner.

*Patron - Howell*

**SB72 Health professions; consent for breast tumor treatment.** Repeals the requirement that a patient sign a con-

sent form before the treatment of a breast tumor. This bill is identical to HB 1025.

*Patron - Howell*

**SB134 Occupational therapy assistants; licensing and regulation.** Requires occupational therapy assistants to be licensed by the Board of Medicine. However, a person who has graduated from a duly accredited occupational therapy assistant education program may practice with the title "Occupational Therapy Assistant, License Applicant" or "O.T.A., Applicant" until he has taken and received the results of any examination required by the Board or until six months from the date of graduation, whichever occurs sooner. This bill is identical to HB 383.

*Patron - Houck*

**SB151 Practice of dental assistants.** Requires the Board of Dentistry to regulate the practice of dental assistants. This bill provides that a person who is employed to assist a licensed dentist or dental hygienist by performing duties not otherwise restricted to the practice of a dentist, dental hygienist, or dental assistant II may practice as a dental assistant I and that a person who has met the educational and training requirements prescribed by the Board, holds a certification from a credentialing organization recognized by the American Dental Association and has met any other qualifications for registration prescribed by the Board may practice as a dental assistant II and may perform duties not otherwise restricted to the practice of a dentist or dental hygienist under the direction of a licensed dentist that are reversible, intraoral procedures specified in regulations promulgated by the Board. This bill is identical to HB 1431.

*Patron - Lucas*

**SB201 Advisory Board on Midwifery; sunset.** Removes the sunset on the Advisory Board on Midwifery.

*Patron - Quayle*

**SB218 Department of Health Professions; investigative procedures.** Clarifies that the Director and investigative personnel may request and obtain patient records, business records, papers, and physical or other evidence in the course of any investigation or issue subpoenas requiring the production of such evidence.

*Patron - Edwards*

**SB271 Prescription medications; schools for students with disabilities.** Allows a person in a licensed school for students with disabilities or a licensed private children's residential facility to administer prescription medication to a student if the person (i) has satisfactorily completed a training program for this purpose approved by the Board of Nursing; (ii) administers such drugs in accordance with the physician's instructions pertaining to dosage, frequency, and manner of administration; and (iii) complies with regulations promulgated by the Board of Pharmacy relating to security and record keeping.

*Patron - Deeds*

**SB290 Advance Health Care Directive Registry; creation.** Requires the Department of Health to create and maintain a secure online central registry for advance health care directives. The bill specifies that when sufficient funds are available, the Department shall make the registry available to the public by (i) contracting with an appropriate vendor, (ii) directing the public to an existing registry maintained by another entity, or (iii) entering into a public-private partnership. This bill is identical to HB 805.

*Patron - Barker*

**SB405 Controlled substances; nonresident pharmacies; penalties.** Makes it a Class 1 misdemeanor for any person to manufacture, sell, give, distribute or possess with intent to manufacture, sell, give or distribute a Schedule VI controlled substance or imitation controlled substance in violation of the Drug Control Act. The bill requires a nonresident pharmacy to designate a Virginia-licensed pharmacist to be responsible for compliance with all provisions of the Drug Control Act. A nonresident pharmacy that dispenses more than 50 percent of its total prescription volume pursuant to an original prescription order received as a result of solicitation on the Internet, must disclose to the Pharmacy Board that it has received certain certifications. The bill also allows controlled substances that are illegally shipped to be seized by law enforcement or by an agent of the Board of Pharmacy. This bill is identical to HB 1147.

*Patron - Puckett*

**SB495 Board of Medicine; information to be made public.** Exempts anyone holding an inactive, temporary, limited, or volunteer license to practice medicine from the requirement to make certain information available to the Board of Medicine.

*Patron - Northam*

**SB681 Board for Contractors; water well systems providers.** Provides that a licensed plumber may perform normal maintenance and repair on large-diameter bored or hand-dug water table wells without a certification as a water well system provider provided that the wells are 100 feet or less in depth and the work is being performed for an entity granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code. Currently, a certified water well systems provider is required to be onsite for the drilling, installation, maintenance, or repair of any water well or water well system.

*Patron - Stuart*

**SB693 Physician assistants; supervision.** Requires a written practice supervision agreement between the supervising physician and the assistant, detailing activities delegated to the assistant. Also allows treatment to be included in the plan, including the establishment of a final diagnosis or treatment plan for the patient, as long as it is set forth in the written practice supervision agreement.

*Patron - Edwards*

## Failed

**HB121 Parental notification of minor's mental health treatment.** Requires any employee or designee of any community services board or behavioral health authority, or any other state or local employee other than an employee of a local school board who provides mental health treatment to a minor to notify the minor's parent, legal guardian, or person standing in loco parentis of the provision of services within five days of the provision of services, unless the employee or designee of the community services board or behavioral health authority or other state or local employee providing mental health treatment determines that, in their professional judgment, notice to the parent, guardian, or person standing in loco parentis would be reasonably likely to cause substantial harm to the minor or another person.

*Patron - Lingamfelter*

**HB129 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. This bill adds the requirement that no person other than those who have received a degree as a medi-

cal doctor or doctor of osteopathy shall use the term "physician" in connection with his name or practice.

*Patron - Purkey*

**HB227 Board for Contractors; applications for licensure.** Provides that as part of the application for licensure as a contractor, whether the application is for a Class A, B, or C license, each applicant shall submit a statement, on a form provided by the Board, certifying that the applicant (i) will not knowingly employ an undocumented worker or otherwise violate the Federal Immigration and Reform Act or § 40.1-11.1 of the Code of Virginia and (ii) will continue to verify the lawful employment status of all employees by means of a work-authorization program issued by the U.S. Bureau of Citizenship and Immigration Services or any equivalent federal work authorization program approved or operated by the U.S. Department of Homeland Security. The bill also provides that no application shall be accepted or license issued without the inclusion of this certification with the application form. The bill contains technical amendments. This bill was incorporated into HB 926.

*Patron - Cosgrove*

**HB346 Department of Professional and Occupational Regulation; the Real Estate Board; classification of property owners' associations.** Requires the Real Estate Board to develop regulations to classify property owners' associations based on (i) the number of lots that are encompassed in the development, (ii) the value of assets, (iii) the association's use of professional staff, and (iv) whether the governing board is elected.

*Patron - Plum*

**HB399 Dialysis patient care technician.** Adds the administration of erythropoietic agents such as Epoetin alfa, Vitamin D, iron, to the list of direct care activities a dialysis patient care technician may undertake.

*Patron - Hamilton*

**HB561 Administration of drugs; training of educational facility staff.** Requires the Board of Nursing to develop, in consultation with the Board of Pharmacy, guidelines for the training of employees of private facilities licensed by the Office of Interdepartmental Regulation, in the administration of prescription drugs as defined in the Drug Control Act (§ 54.1-3400 et seq.). Such training programs shall be taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist. This bill was incorporated into HB 1445.

*Patron - Crockett-Stark*

**HB1071 Birth control; definition.** Adds a definition of birth control. Birth control means contraceptive methods that are approved by the U.S. Food and Drug Administration. Birth control shall not be considered abortion for the purposes of Title 18.2.

*Patron - Amundson*

**HB1081 Board for Contractors; elevator mechanics.** Authorizes the Board for Contractors to issue temporary certifications to elevator mechanics in the event of a shortage of elevator mechanics where a licensed contractor demonstrates to the satisfaction of the Board that there is such a shortage. The bill contains technical amendments.

*Patron - Suit*

**HB1400 Disclosure of minor's drug test results.** Provides that a parent, legal guardian or person standing in loco parentis may obtain the results of any drug test of a minor or a minor's health records, except when the minor's treating physician or the minor's treating clinical psychologist has deter-

mined in the exercise of his professional judgment that the disclosure of health records or the results of any drug test of the minor would be reasonably likely to cause substantial harm to the minor or another person. This bill also provides that a minor shall not be deemed an adult of the purpose of consenting to a drug test when the minor is not receiving outpatient care, treatment, or rehabilitation for substance abuse.

*Patron - Pogge*

**HB1468 Authority to receive laboratory results directly.** Creates an exception to the requirement that laboratories release records of results directly to patients for cases in which a treating physician or clinical psychologist determines that release to the patient would be reasonably likely to endanger the life or physical safety of the patient or another person or cause substantial harm to another person. This bill also creates an appeal process for persons who have been denied the records based on the recommendations of a treating physician or clinical psychologist.

*Patron - Athey*

**HB1483 Certified home inspection; definitions.** Revises the definition of certified home inspection to include heating and cooling systems and the efficiency of such systems and duct work.

*Patron - Saxman*

**HB1492 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; land surveyors; public employees.** Provides that any person engaged in the practice of land surveying as an employee of the Commonwealth or any political subdivision shall be allowed to use such experience toward the requirements for a licensed land surveyor. The bill provides that in order to sit for the licensing examination, such applicant shall (i) have a surveyor-in-training designation by the Board; (ii) have a minimum of four years of approved surveying experience, which may be gained prior to the surveyor-in-training designation; and (iii) provide written references from three land surveyors licensed in a state, territory, or possession of the United States, or the District of Columbia, each having personal knowledge of the applicant's surveying experience. The bill defines approved surveying experience.

*Patron - Nutter*

**SB47 Advance directives; mental health.** Allows for mental health advance directives, by following the same procedures as for medical advance directives. A mental health advance directive may set forth procedures or instructions with regard to mental health treatment, including consent to or refusal of mental health treatment.

*Patron - Whipple*

**SB86 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*

**SB374 Real Estate Board; extension of deadline for compliance with education and continuing education requirements.** Extends the deadline for compliance with education and continuing education requirements for licensees of the Real Estate Board on active military duty until six months

after the licensee's release from active military duty if (i) the licensee is on active military duty status when the requirement becomes due, and (ii) providing the extension does not constitute a danger to the public health, safety, or welfare.

*Patron - Stuart*

**SB418 Department of Professional and Occupational Regulation; Virginia Real Estate Board; waiver of broker education requirements.** Requires the Virginia Real Estate Board to waive the broker education requirement for any applicant for a broker's license who has owned a real estate brokerage firm for more than 15 years and during that time and maintained an active license as a real estate salesperson.

*Patron - Puckett*

**SB604 Pawnbrokers and secondhand dealers; penalty.** Adds the regulation of secondhand dealers 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) authorizes the chief law-enforcement officer of a locality to designate alternative means of submitting required daily reports, and (iv) adds secondhand dealers to the existing penalty provisions for pawnbrokers.

*Patron - Stolle*

## Carried Over

**HB86 Disposal of unused pharmaceuticals.** Establishes a program for the disposal of unused pharmaceuticals.

*Patron - Landes*

**HB735 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 - Caputo*

**HB784 Practice of naturopathy.** Establishes licensure requirements for the practice of naturopathy. This bill establishes criteria for the practice of naturopathy, including educational requirements, examinations, scope of practice, requirements for the promulgation of regulations governing the profession, and an advisory board to the Board of Medicine.

*Patron - Kilgore*

**HB1004 Advance directives; mental health.** Allows for mental health advance directives, by following the same procedures as for medical advance directives. A mental health advance directive may set forth procedures or instructions with regard to mental health treatment, including consent to or refusal of mental health treatment.

*Patron - Bell*

**HB1484 Designation of persons authorized to make funeral and burial decisions.** Designates the persons in order of priority who have the ability to make all necessary arrangements for a decedent's funeral and the disposition of his remains. This bill is in response to recent cases in Virginia concerning who had the right to make such decisions. Current law allows any next of kin to make arrangements, without specifying an order of priority. This bill grants funeral services provid-

ers civil immunity for decisions made if there is a dispute among members of the same class, in the absence of bad faith. The bill contains technical amendments.

*Patron - Armstrong*

**☐HB1509 Oral and maxillofacial surgeons; certain data required.** Requires the Board of Dentistry to establish, maintain, and make available to the public, on its website and in accompanying materials, the individual certifications for cosmetic procedures for board-certified or board-eligible oral and maxillofacial surgeons who perform certain procedures.

*Patron - Sickles*

**☐SB716 Department of Professional and Occupational Regulation; Virginia Board for Asbestos, Lead, and Home Inspectors.** Provides that the written evaluation required in a certified home inspection include evaluation of the efficiency of the home's heating and cooling systems and duct work.

*Patron - Vogel*

## Property and Conveyances

### Passed

**☐HB264 Landlord and tenant law; appointment of resident agent by nonresident property owner.** Requires that the Secretary of the Commonwealth, when acting as an agent for nonresident property owners, shall forward service of process to the address shown on the official tax record of the locality. Currently, it is to be sent to the address shown on the lease.

*Patron - Ware, O.*

**☐HB580 Mold conditions involving landlords and tenants.** Provides for mold remediation and the process for notice from tenant to landlord regarding mold.

*Patron - Cosgrove*

**☐HB720 Landlord and tenant law; definitions; payment of rent; landlord remedies.** Adds, among other things, a definition of "application fee," caps the fee at \$50, and provides that such fee is nonrefundable. The bill also defines "written notice" as notice, including any representation of words, letters, symbols, numbers, or figures, whether (i) printed in or inscribed on a tangible medium or (ii) stored in an electronic form or other medium, retrievable in a perceivable form, and regardless of whether an electronic signature is affixed. In cases where a tenant pays rent with a bad check, the bill also allows a landlord to seek an award of costs or attorney fees or the lesser of \$250 or three times the amount of the bad check, draft or order as part of the damages requested on an unlawful detainer action, provided the landlord has given notice. The bill allows such notice to be included in the five-day termination notice at the option of the landlord. The bill contains specific provisions if the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development. The bill contains technical amendments.

*Patron - Oder*

**☐HB949 Slayer statute.** Amends the definition of "slayer" to include a person who is convicted of voluntary manslaughter. The bill also amends the definition of "slayer" to include a person who is acquitted of murder or involuntary manslaughter, but who is determined, by a preponderance of the evidence, either before or after his death, by a court to have committed murder or involuntary manslaughter. The bill also provides that transferees or assignees claiming through a slayer

cannot acquire property or benefits as a result of the slaying. The bill also provides that insurance companies are not liable on life insurance policies acquired by the slayer for the decedent if (i) the policy was procured by the slayer as part of the plan to murder the decedent, and (ii) the decedent's death from the slayer's act was within two years of the date the policy was issued. The bill also provides that the slayer statute does not serve to abrogate any common law right or remedy that prevent a slayer from profiting from his crime. The bill also makes several clarifying amendments to the slayer statute. This bill is identical to SB 450.

*Patron - Iaquinto*

**☐HB972 Ford and Pullman property grants.** Ratifies the conveyance of certain lands in the County of Fairfax by the Commonwealth in 1951 and 1962.

*Patron - Shannon*

**☐HB1037 Sale or conversion of nonprofit hospitals; public hearing.** Requires that, no later than 40 days prior to any disposition of assets, a nonprofit entity shall convene a public meeting to set forth its expectations about how the health care needs of the community will be served following the proposed disposition of assets and to receive comments and respond to questions on the potential impact of the proposed disposition of assets on the community served by the nonprofit entity. This bill also provides that notice of the time and place of such meeting shall be published at least 10 days prior to the meeting in a newspaper in which legal notices may be published in that jurisdiction.

*Patron - Marshall, D.W.*

**☐HB1077 Virginia Real Estate Time Share Act; obligation for fees; limitation on actions; powers of Real Estate Board.** Allows a developer, during the developer control period and at any time after the lapse of a purchaser's right of cancellation, and without regard to the recordation of the deed, to collect an annual or specially assessed charge from each time-share estate owner for the payment of the time-share estate occupancy expenses by way of a maintenance fee. The bill also provides that prior to the commencement of any action alleging a failure to comply with the provisions relating to escrow of deposits or the developer's obligation to complete common elements, an aggrieved owner shall first seek a determination from the Real Estate Board as to whether compliance with such provisions has occurred. The Board shall make such determination within 120 days of the request therefor. The bill contains technical amendments. Finally, the bill provides that rescission of a contract shall not be granted by a court unless the inaccuracy of the public offering statement or the insufficiency of the time-share instrument directly and adversely affected the purchaser's right to participate in the time-share program or to own his time-share. Further, if damages are awarded, the amount of the damages shall be limited to actual damages sustained notwithstanding any other law to the contrary.

*Patron - Suit*

**☐HB1240 Manufactured Home Lot Rental Act; access of tenant to cable, satellite and other television facilities.** Authorizes a landlord of a manufactured housing community to enter into a service agreement with a television service provider to provide marketing and other services to the television service provider and to receive compensation for the services. Compensation under such service agreement may also include the reasonable value of the landlord's property that is used by the television service provider. This is similar to the authorization provided to a landlord under the Virginia Residential Landlord and Tenant Act.

*Patron - Saxman*

**PHB1313 Unclaimed property; credit union accounts.** Provides state-chartered credit unions with the same flexibility regarding inactive or dormant account fees and interest that federally-chartered credit unions may exercise under applicable federal law. SB 137 is identical.

*Patron - Byron*

**PHB1320 Road easements; maintenance and improvements.** Provides that any property owner, along a road that serves as the primary means of ingress and egress to more than one property, may maintain, repair, or improve the road without the express permission of the other property owners.

*Patron - May*

**PHB1470 Home owner warranty breach; tolling of limitations period.** States that when a homeowner sends notice to a vendor of a warranty violation, that the statute of limitations is tolled for six months. The provision will apply to warranty claims arising after January 1, 2009.

*Patron - Gilbert*

**PSB137 Unclaimed property; credit union accounts.** Provides state-chartered credit unions with the same flexibility regarding inactive or dormant account fees and interest that federally chartered credit unions may exercise under applicable federal law. HB 1313 is identical.

*Patron - Puller*

**PSB450 Slayer statute.** Amends the definition of "slayer" to include a person who is convicted of voluntary manslaughter. The bill also amends the definition of "slayer" to include a person who is acquitted of murder or involuntary manslaughter, but who is determined, by a preponderance of the evidence, either before or after his death, by a court to have committed murder or involuntary manslaughter. The bill also provides that transferees or assignees claiming through a slayer cannot acquire property or benefits as a result of the slaying. The bill also provides that insurance companies are not liable on life insurance policies acquired by the slayer for the decedent if (i) the policy was procured by the slayer as part of the plan to murder the decedent, and (ii) the decedent's death from the slayer's act was within two years of the date the policy was issued. The bill also provides that the slayer statute does not serve to abrogate any common law right or remedy that prevent a slayer from profiting from his crime. The bill also makes several clarifying amendments to the slayer statute. This bill is identical to HB 949.

*Patron - Petersen*

**PSB606 Virginia Real Estate Cooperative Act; assessments for certain cooperatives.** Authorizes a real estate cooperative, where permanent residency is generally restricted to individuals age 55 and over and the primary purpose of the cooperative is to provide services typically provided to residents of full service senior housing communities, to amend the declaration by a two-thirds vote to authorize assessments based on usage of services rather than the square footage of the units.

*Patron - Stolle*

**PSB616 Virginia Real Estate Cooperative Act; amendment of declaration.** Provides that the declaration may be amended by two-thirds vote to extend the time limit within which special declarant rights imposed by the declaration may be exercised. Currently such an amendment would require unanimous consent.

*Patron - Stolle*

**PSB797 High-risk mortgage lenders or servicers; 10 days' notice; 30 days' forbearance.** Requires high-risk mort-

gage lenders or servicers to provide written notice of the intention to send a notice to accelerate the loan balance 10 business days prior to sending the notice of acceleration. If the borrower indicates the desire to avoid foreclosure, the high-risk mortgage lender or servicer shall give the borrower 30 calendar days' forbearance. The measure does not apply if the lender makes fewer than four mortgage loans in any 12-month period, if there is an active bankruptcy proceeding, or if a foreclosure sale is scheduled to occur within 30 days.

*Patron - Puckett*

## Failed

**FHB49 Utility easements.** Provides that any conveyance of an easement for the location, construction, or installation of facilities to be used to provide utility services shall be subject to the condition that it is void if the easement has not been used within 20 years.

*Patron - Cole*

**FHB363 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*

**FHB476 Doctrine of necessities; repealed.** Repeals § 55-37, relating to the doctrine of necessities, which obliges each spouse to provide basic necessities of the other spouse such as housing, medical care, and nourishment.

*Patron - Cox*

**FHB488 Notice of an escheat land sale.** Requires that the escheator notify adjacent land owners of escheated land of an escheat land sale.

*Patron - Shuler*

**FHB540 Deed; cemetery usage disclosed.** Requires the disclosure of whether property is, or has been, used as a cemetery or burial ground when recording the deed.

*Patron - Orrock*

**FHB778 Recordation of deeds.** Requires that a deed be filed for recordation within 120 days of the transaction that conveyed or transferred the real property that is the subject of the deed.

*Patron - Kilgore*

**FHB962 Virginia Residential Property Disclosure Act; disclosure of storm water detention facilities.** Requires the owner to disclose to the purchaser prior to settlement the presence of any storm water detention facilities on the property.

*Patron - Shannon*

**FHB997 Virginia Residential Property Disclosure Act; required disclosures; mold.** Clarifies that the term "condition of the real property or any improvements thereon" shall include any visible evidence of the presence of mold.

*Patron - Bell*

**FHB1002 Condominium Act; notice of increased assessments.** Provides that the written notice to the unit owners of an additional assessment levied by the board of a condominium association shall be sent no more than 30 days from the date of the meeting wherein the board voted to levy the additional assessment.

*Patron - Bell*

**HB1076 Property Owners' Association Act (POAA); definitions; disclosure packets; management; fees.** Adds several new definitions to the POAA, including "common interest community manager." The bill also sets limits for the fees to be charged for preparation of the required disclosure packets and prohibits any other fees not expressly authorized in the POAA. The bill (i) provides that all declarations shall comply with the terms of the POAA, and the associations created in accordance with the POAA shall have only those powers that are expressly granted in the POAA; (ii) increases the cap on the liability of the association or its manager from \$500 to \$5,000 for actual damages sustained by the seller in the event of the association's failure to comply with the POAA; and (iii) provides that if settlement does not occur within 90 days of the delivery of the disclosure packet, the fee shall be assessed against the lot owner for which the disclosure packet was prepared and shall become as an assessment against the member's lot. The bill contains technical amendments, which reorganize the POAA into three articles: general provisions, disclosure requirements, and operation and management of associations. This bill was incorporated into HB 516.

*Patron - Suit*

**HB1405 Virginia Residential Property Disclosure Act; disclosure of storage tanks.** Requires the owner to disclose to the purchaser prior to settlement the presence of any aboveground or underground storage tanks on the property. The bill defines aboveground storage tank and underground storage tank.

*Patron - Hargrove*

**HB1467 Property and conveyances; leases; prohibited covenants.** Prohibits any lease for nonresidential property agreed to, executed or renewed on or after July 1, 2008, that contains a covenant restricting the lessor from entering into additional leases with additional parties that compete with the lessee's lines of business, unless the additional party's intended lines of business are in direct competition with no less than a majority of the lessee's lines of business. The bill provides that a lease in violation of this prohibition shall be deemed a prohibited contract in restraint of trade.

*Patron - Shannon*

**SB792 Real Estate Tax Credit.** Provides a tax credit for real estate taxes paid on property purchased from the Commonwealth when such taxes were paid on such property prior to its acquisition.

*Patron - McDougle*

## Carried Over

**SB421 Conveyance of property owned by the Commonwealth; easement; Bland County.** Authorizes the Commonwealth to convey an easement across certain property in the County of Bland along State Route 665 to Elmo Sadler.

*Patron - Puckett*

**SB454 Virginia Residential Property Disclosure Act; disclosure of storm water detention facilities.** Requires the owner to disclose to the purchaser prior to settlement the presence of any storm water detention facilities on the property.

*Patron - Petersen*

**SB583 Uniform Disposition of Unclaimed Property Act; banks and financial organizations.** Reduces the holding period for abandonment for unclaimed property for banks and financial organizations from five years to two years for banks or organizations that deduct a charge or cease to accrue interest because of dormancy or inactivity. The measure also provides

that if a holder of the property ceases imposing additional charges or retroactively credits interest on dormant or inactive property for a reason other than to correct a documented internal error, the holder is deemed to have waived its right to impose the charges or cease accruing interest and shall reverse or cancel the charges or retroactively credit interest on accounts reported to the Treasurer. The second provision is stated to be declaratory of existing law.

*Patron - Colgan*

## Public Service Companies

### Passed

**HB543 Natural gas utilities; alternative ratemaking plan.** Authorizes any natural gas utility to file a conservation and ratemaking efficiency plan that includes (i) a normalization component that removes the effect of weather from the determination of conservation and energy efficiency results, (ii) a decoupling mechanism, (iii) cost-effective conservation and energy efficiency programs, (iv) provisions to address the needs of low-income or low-usage residential consumers, and (v) provisions to ensure that the rates and service to nonparticipating classes of customers are not adversely impacted. Such plans may include one or more residential, small commercial, or small general service classes, but shall not apply to large commercial or large industrial customer classes. The State Corporation Commission (SCC) is required to allow a utility that implements a plan to recover, through its regulated rates, its costs, together with a return thereon, associated with cost-effective conservation and energy efficiency programs. Utilities that demonstrate certain reductions in annualized, weather-normalized usage per customer will receive the opportunity to earn an incentive of up to 15 percent share of the independently verified net economic benefits created by the conservation and energy efficiency programs. The SCC is prohibited from reducing a utility's profit as a result of the implementation of a natural gas conservation and ratemaking efficiency plan. The SCC is required to report annually on the implementation of the measure.

*Patron - Nixon*

**HB546 Multiline telephone systems.** Provides that an alternative method of providing call location information exists when a 9-1-1 call to a public safety answering point (PSAP) provides sufficient information to ensure that emergency responders are dispatched to a location at the facility from which the call was placed, where the responders are able to view all of the telephone stations in the contiguous area containing the telephone from which the emergency call was placed. Currently, an alternative method requires responders to be able to view all of the telephone stations at the facility. MLTS providers of a system using VOIP services acquired or installed on or after July 1, 2009, shall make reasonable efforts to ensure that emergency calls provide calling party information to the 9-1-1 network or an alternative method of providing call location information. The measure also provides that the MLTS provider of a multiline telephone system acquired or installed on or after July 1, 2009, is required, if reasonably achievable, to be able to provide calling party information to the 9-1-1 network that connects to the PSAP, or to provide an alternative method of providing call location information. Calling party information allows equipment at the PSAP to perform automatic location identification (ALI) and automatic number identification (ANI). MLTS providers are required to arrange to update the ALI database with the appropriate master street address guide, valid address and callback information